NOTES

MYSORE GOVERNMENT SECRETARIAT

B
22/1/59

File No. Law 43 LGN 58

Department of Law

Section Law V

Subject: The Mysore Weights and Measures (Enforcement) Act, 1958 (No 2 of 1959)

References:
See files. Aap 2 WMA 57
Aap 11 WMA 57

Date	To whom sent	Notes and instructions

ysore Government Secretariat

File No. of 195

[App. F. III 2

Serial No.

Adoption of Metric System. Enactment of Legislation of Enforcement of Weights and

From

Secy Standing Metric Com Govt. of India, Ministry of Commerce and Industries (S.D.C.)

The Secy Standing Metric Committ has forwarded the following three dfts. for ~~&c~~

i) Dft. Weights and Measures Enforcement Bill

ii) Dft. Standards of Weights and Measures Rules 1957, and

iii) Dft. notification Ofs 12 of the Standards of Weights and Measures Act 1956.

Reg. i) Secy S.D.C. has written that the question of issuing the Weights and Measures Enforcement Bill in the next session of the Legislature ~~as~~ ~~it~~ ~~to~~ any way before 1.4.1958.

Reg. ii and iii) Secy S.D.C. has requested for comments of Govt. before ~~2~~ 1.11.1957.

The three dfts may be forwarded to C.D.O. for his immediate remarks in first instance. C.D.O.

may also be requested to forward the Memorandum and the Statement of Objects and Reasons on the Offences Against Women Bill. Offences Against Women may issue

29/10/1957.

29-10-57

Some body or other 3 copies of the Bill may be given

Issues D.O. No. AXF 11 (WMA 57) dt. 30.10.1957 to C.D.O. – Calls for remarks. (The letter has been handed over to in person to Addl. Dir. of W&C & Reform).

AXF - D. Corpn. Sec.

30/10/1957.

The D.O. letter having been issued file is resubmitted for orders. Ref. from the Govt. Three copies of the Bill are placed below.

31/10/1957.

Provisional comments on this subject is placed below.

1-11-57

6) I think we have received a reply from CWO yesterday. Pl. put up with it.

2/11

From C.D.O.

D.O. No. D.D. 11243-W/3-58 dt 4-11-1957 – Forwards the

A+F/WMAS)

Serial No.

Co ... Agri. and Forest Dept. (Co-operation Sectio

Ref. para 6 of the Note.

x P. 37 C.F.
o P. 41 C.F.
v P. 75 C.F.
≠ P. 73 C.F.

7 The C.M.O. has forwarded a tentative draft bill together with a financial memorandum and a statement of objects and reasons regarding uniform legislation on weights and measures with a request to place it before the legislature during its next session. The b ~~is stated to have been drafted exactly on the~~ lines of the model bill forwarded by the Govt. of In with some necessary additions.

P. 3 C.F.

8 Before proceeding further, this case may be referred un-officially to Law Dept. for their remarks, among other things, on the draft bill and ~~particularly on the points contained in the provis~~ to Secretariat Instruction No. 26. Law Dept may also be requested to offer their comments on the proposed standard of weights and measures rules 1957 and on th draft notification proposed to be issued under Sectio 12 of the Standards of Weights and Measures Act, 1956

+ P. 25 C.F.
△ P. 31 C.F.

9 ~~The following observations are made for refere~~ of Law Dept.

i) the word "Enforcement" in the title of the ~~probably has been inserted just to differe~~ the Central Legislation (Standards of Weig ~~and Measures Act, 1956) prescribing the~~ standards of weights and measures, from the State Legislation for enforcement of the standards so prescribed; but the use of "Enforcement" in the brackets probably ~~goes to show that this State itself~~ has go another Act on weights and measures and th the present legislation is merely a contin tion or a part of it thereof. The "Enforce may, therefore, be used without brackets.

ii) The words "State Governmdnt" hasebeen used in the draft bill for more than twenty tim It seems, therefore, better to define Gove ment in Section 2 and to omit the word "Sta wherever "State Government" appear.

iii) ~~As has recently been observed~~ by the Dist. Judge, Thana, and up-held by High Court, Bombay, the use of the word "Specially" in Section 20(1) requires the Controller and/or the Assistant Controller ~~to be authorised by name instead of by~~ designation. In the opinion of the Judge ~~when by Govt. notification a class of~~

Weights and Measures (enforcement) Bill, 1957

AdF 11 WMA57

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such a class of officers was said to b "generally empowered" and if an officer was empowered by name to exercise some powers he was said to be "specially empowered". In order therefore to avoid such ~~daff~~ differences of opinion in future and to avoid the issue of a separate notifications whenever there is a change of persons in Controller and Assistant Controllers, the word "specially" in Section 20(1) may be deleted.

In Sections 23 and 25 the limit of fin for second and subsequent offences has not been mentioned; Law Dept. may, therefore be requested to include this limit to be Rs. 1,000/- in respect of each such offence.

The Schedule to the bill under section 42 may kindly be perused. Serial No. 5 provides therein that the Madras Weights and Measures Act 1948 has to be repealed; but this Act has not yet been brought in force either in Bellary Dist or in Madras Area by issuing necessary notification under sub-section 3 of Section 1 of the Act. Law Dept. may therefore consider whether the repealing of this Act is necessary. If it is necessary it will perhaps be necessary to repeal the Coorg Weights and Measures Act, 1954 ~~xxx~~ also which has not in force by issuing a notification under sub-section 3 of Section 1 of the Act.

Incidentally it may be noted that the bill has got to be enacted during the next session of the Legislature but ~~xxxxxxxxx~~ in any case before 1-4-58 so as to follow line with the enforcement of Standards of Weights and Measures Act, 1956 (Central Act) on 1-4-58. Law Dept. may therefore treat this case as extremely urgent.

R.No. 16434/Law Sec-V

5-11-57

Accompaniments - (Pl. see page kept below)

NO. 188

WD-0136 ECDC 1257 S.—80,000—21-4-57

MYSORE GOVT. NO. 11WMA57 8932 21 DEC 1957 P.E. DEPTT. CO-OPERATION

Mysore Government Secretariat

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[App. F. III 2

Serial No.

Act. D. Conf. Br.

Ref. para 11-13 o.f.

14 The Revised Bill for use by Law Deptt. is for perusal. Introduction of this Bill involves a recurring expr. of Rs 4,31,460/- and a non-recurring expr. of Rs 10,57400/- in Rank-elim. Deptt. (Weights and Measures Sections). It is also ascertained that the overall non-recurring expr. for all the Depts of Govt. is to the extent of alone Rs 75 lakhs. In the circumstances, F.D. may first see there is for remarks.

15 Secondly, before the file is sent to Chief Minister, it is necessary that the views of Law Deptt should be obtained on the following points:-

(i) need for the proposed legislation from a legal point of view

(ii) the competence of State Legislature to enact the measure proposed,

(iii) whether the provisions contained in the President is required under the Constitution; and

(iv) the consistency of the proposed measure with the provisions of the Constitution.

and Measures (Enforcement

File No. 2735/57 A&F/WMA57 of 19

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in particular those relating to Fundamental Rights.

Law Deptt. may be requested to advise on these points.

A Council note will be put up if approved after obtaining the remarks of F.D. and Law Deptt. in the light of above note. For orders.

23/12/957

Dr. Jamir of Shimoga on Ch. 15

23/12/57

The standards of weights and measures have been fixed by the Standards of Weights & Measures of 1956, passed by the Parliament; these standards can be enforced with the aid of the laws enacted by the State legislatures. Hence there is need for enacting this legislation, and this would also bring effectively, active the object of having a uniform law, for the entire state. (vide ... letter 16-10-57)

24-XII-57

The subject "Weights & Measures" except establishment of standards falls in the state list and the State is competent to enact the law.

Previous sanction of the President is not necessary.

The provisions of this legislature are not inconsistent with the provisions of the Constitution of India.

SEC. A&F

N Vasudeo

2/1 WD-0136 -GPB—P. Z. S.—80,000—21-4

R. P. VASUDEO
Addl. Secy. Law. Dept.

DEPUTY SECRETARY TO GOVT. NO. 188 - 2 JAN 1957 AGRICULTURE & FOREST DEPT.

Serial No.

This may be sent to Finance Deptt. for forming their opinion regarding paragraph 14 of the note.

22 8/1/58 For forming of remarks on Para 14

8/1/58

8/1/58

156

23 (Flag P)

A Statement showing the break up for the recurring expenditure of Rs 4,31,460/- is placed below. The provision for the staff just at the commencement of the implementation of the Scheme appears to be on the high side. The administrative branch is requested to examine the need for so much of staff at the initial stage and return the file to this Deptt.

22/1

A & F

AER Deptt. 2 (Compn.)

24 The break up of Rs. 4,31,460/- furnished by the C.M.O. (referred to above) includes the expenditure of the existing and also proposed staff. The expenditure on the existing staff comes Rs. 3,49,259/-. As per the revised proposal of the C.M.O., recurring expenditure of the proposed staff will be Rs. 1,75,496/- per year. The additional staff proposed

Flag L

Note.—Contn. Sheet

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Serial No. 24 dt 21-2-58

the C.M.O. is absolutely necessary for the efficient administration of the Weights & Measures Act.

25) With this information this may be returned to the Finance Dept. for furnishing their opinion

26) Ref. paragraph 23 given

T. SIDDALINGAIAH
Under Secy., A. and F. Dept.

Finance Department.
Works and Schemes Branch II.

FINANCE DEPARTMENT
No. 535
11 FEB 1958
GOVERNMENT OF MYSORE

The A.&.F.D. is requested to furnish information on the following points.:

i) A break up of Rs. 75/- lakhs required for non recurring expenditure for all the Departments. Whether this amount will be in addition to Rs. 10,57,400/- required in the Marketting Department. (Weights and Measures Section) vide para 14 ante.

ii) Accodring to the C.M.O. recurring expenditure would be Rs. 4,31,460/- but according to the break up given in para 24 n/f. it comes to Rs. 5,45,255/- i.e. (Rs. 3,49,259/- expenditure on the existing staff plus Rs. 1,95,996/- expenditure on the proposed staff). Reasons for this variation.

iii) Details of the existing staff showing the period for which various posts have been sanctioned by Government.

iv) From serial Number 13 to 16 in statement it is also seen that an amount of Rs. 7,832, is shown as extra cost of changing the grades of M.O.Sr. Inspectors and Inspectors of Weights and Measures and Manual Assistant. It is not understood why the Officials should not be continued in the existing grades only thereby causing the savings to Government and why the necessity is felt now only for changing their grades. The reasons for changing the grades may please be given.

v) The posts of the Van Driver and one cleaner included in the revised proposed strength were not shown previously in statement 'P' In fact the statement 'P' included the

AgF-11 WMAS7 P.9

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Finance Department.
Works and Schemes Branch

the strength of proposed staff and as such these posts aught to have been shown in that statement. The reasons for not including the above posts in statement 'P' may please be given.

D. BASAVARAJA URS,
Under Secy., Fin. Dept.

A & F.

11WMAS7
13 MAR 1976
A & F. DEPTT., CO-OPERATION BRANCH

Agri. and Forest Dept
(Co-operation Sec.)

In the discussion arrived at the meeting of the Secretaries to Government, Agriculture & Forest Dept., Education, Commerce & Industries, Principal Information Officer, and Govt. of India Officers held on 18.12.57 it was decided to reduce non-recurring expenditure to all Departments from Rs.75 lakhs to Rs.37 lakhs, which includ the non-recurring expenditure of Marketing Department. The break up for Rs.37 lakhs is given in the Statement No.3 enclosed to the Chief Marketing Officers letter No.M.D.13890-W/57-58 dated 21-23-12-1957.

Revised proposals for reorganising the weights an measures section has been received and put up separate The recurring expenditure according to the revised proposals is Rs.5,45,255 for both the existing staff and the proposed staff. The recurring expenditure of the existing staff is Rs. 3,49,259/- and the proposed staff is Rs. 1,95,996/-. The increase in the recurrin expenditure is due to the proposal for revising the grade pay of the marketing officer for weights and measures and Inspectors of weights and measures and the creation of the posts of Driver and Cleaner for th Van proposed to be purchased.

Details of the existing staff showing the period for which various posts have been sanctioned by Govt. is given in the Statement enclosed.

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It is proposed to revise the grade pay of the Marketing Officer for weights and measures with a view to bring it on par with the posts of the Senior Marketing Officers of the Marketing Section. The reason for revising the grade pay of the Senior Inspectors of weights and measures is to have a Gazetted Officer of the status of Tashildar at every District Headquarters who alone can handle the propaganda and publicity in the initial stages of the change over to the Metric System of weights and measures. Moreover the main responsibility of introducing metric system of weights and measures solely rests on these District Officers. It is, therefore, proposed to revise the grade pay of the existing Senior Inspector of weights and measures to Rs. 200-20-400 and to convert them into gazetted posts.

The main reason for revising the grade pay of the Inspectors of weights and measures is that the present grade pay is not attractive enough for the qualification i.e., Science graduates now prescribed for the said posts and that in general least grade pay of the posts for which University Degree is prescribed is Rs. 80-5-100-8-140-10-200. Hence it is proposed to revise the grade pay of the Inspector to the above grade.

It is also proposed to revise the grade pay of Manual Assistants from Rs. 35-1½-50 to Rs.40-1-50-2-8 so as to bring it on par with the grade pay of the Manual Assistants now working in the Bombay Karnatak area of the State. Moreover it is also proposed to recruit candidates who have undergone atleast S.S.L.C. course for these posts. Hence the revision is propo

Serial No.

included only in the revised proposals. Hence they were not shown in the previous 'P' Statement.

35 Ref. Paragraphs 27 of the notes.

As this has to be introduced in the Budget Session, the revised may kindly be approved and amended

36 The financial implications of bringing in this legislation has been indicated by the Chief Marketing Officer in his letter dated 23-12-1957 (Flag 'W'). As seen therefrom the total non-recurring expenditure on this account comes to Rs.37 lakhs. This expenditure is proposed to be phased over a period of three years namely Rs.6,88,000/- during 1958-59, Rs.15,06, during each of the years 1959-60, 1960 1961. It is also stated that the Centre is meeting half of this non-recurring expenditure and that pressure is going to be brought on the Centre to meet 75 per cent of this cost instead of 50 per cent as agreed to by the so as to lighten the burden on the State's resources If this is agreed to, then the State's liability with regard to non-recurring expenditure will be Rs.9,25,000/- only as against Rs.18,50,000/-, if the Centre agree to bear only 50 per cent of the cost. The Administrative Branch is therefore requested to pursue the matter and see that the Centre is agreed meet 75 per cent of the non-recurring cost.

As regards recurring expenditure it is stated that the same will come to Rs. 5,45,255/- inclusive of the expenditure of Rs.3,49,259/- on the existing staff. In other words the extra cost on account of

the implementation of this scheme will be Rs.1,95,996 after the entire staff asked for is sanctioned. The need for entertaining the staff now proposed is being examined in a separate file No. AF 33 WME 57 and what exactly the recurring cost will be depend upon the exten to which the staff is sanctioned. However, we presume that the maximum recurring cost due to the implementation of this scheme would be Rs.1,95,996/-. It appears that a decision has been taken to introduce this scheme in three of the Districts only. Consequently there will be no need to employ the entire staff that may be sanctioned in this connection. Only so much of the minimum staff that is necessary will have to be employed, more and more staff being employed as and when the staff is extended over the whole of the state.. It is also stated that the present estimated income under Weights and Measures based on the Bombay schedule of fees will come to Rs.3,90,000/- and that it is further proposed to enhance the fees by about 50 per cent. It is expected that by this enhancement there will be an additional revenue of about Rs.2 lakhs with the result that the total receipts will be about Rs.5,90,000/- as against a total recurring expenditure of Rs.5,45,255. It is thus seen that the introduction of this scheme will not mean any extra liability on the resources of the State but it may result in additional revenue to Government.

From the Budget Estimates for the year 1958-59 it is seen that there is a provision of Rs.1,22,000/- under the head "42-Co-operation - B-Superintendence - 6-Development of Weights & Measures". It is possibl that this amount will not be sufficient for the imple

AXF/LWM/57. 1013

Mysore Government Secretariat

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	mentation of the scheme during the year 1958-59 in which case re-appropriation or supplementary grants will have to be thought of. That may, however, be considered as and when the necessity for the same arises.
1213/08 1213/W.9	Subject to the above remarks, Finance Department is agreeable to the present proposal.
	28/3/58. Dy. Secretary, F.D.
	Agri. & Forest Deptt. Dc. nr. 61
	1. Draft Council Note is part of fr appl.
	2. Before it is sent to Cabinet, Section 20, 43(2) k, 43(2) of the draft Bill which have to be amended and to add a new section after 36 as suggested by the C.M.O. in his letter of 22.3.1958.
	In this connection this reference is in line to the orders given Secy. on page 110 of e.f. As the A.C.M.O. is very busy in connection with drawing & distributing the amount to the Reg. Mandal, this will be sent to L.D. on Monday, if approved for amendments — the draft Section before it goes to Cabinet. 28/3/58. For orders.
	In favour of the above the amendments now proposed by G.D. be included with the Bill. L.D.

Note.—Contn. Sheet

R.No. 5655/Law Sec. V 28-3-58

X X X

File No.

Mysore Government
Secretariat

Serial No. 731
Law V

Necessary amendments have been made in the above Bill

Secy
A & F
N. Vasudev
3/4

45

draft given C.M. & Memorandum objects & reasons were brought to me just when about to leave for on tour.

They could have been better drafted. Have effected some corrections. Please over them carefully & submit to Cabinet & C.S. & C.M. (C.S. is leaving right on tour)

4/4/58

46

OFFICE OF THE CHIEF MINISTER
No. 121/28.5.7
Date. 8/4/58

drafts are here — sub for appr.

Secy. A. and F. D.
47

Please circulate in Cabinet Agenda

P. V. R. RAO
Chief Secy.

44

MYSORE GOVERNMENT
NO. 11 LAW
5 APR 1958
2833
A. & F. DEPTT. CO-OPERATION BRANCH

CHIEF SECRETARY
No. 15
7 APR 1958
GOVERNMENT OF MYSORE

91

C.M.
C.S.
9/4/58

Council Sec

DEPUTY SECRETARY TO GOVERNMENT
NO. 8012
9 APR 1958
GENERAL ADMINISTRATION DEPTT.

P. Z. S.—80,000—21-4-57.

AXF 11WMA-7

Mysore Government
Secretariat

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[App.

Serial No.	

C. 19/58-9.
3 APR 1958
at 4-15 P.M.
COUNCIL SECRETARIAT

Council Case No. C. 19/58-59

Date 17-4-58.

FOR CONSIDERATION AT
A MEETING OF THE COUNCIL

Council Note circulated for information

Dy. Secy.
GAD.

Chief Minister,
All Ministers.

Council Case No. C. 19/58-9.....

Date ..17-4-58...

FOR CONSIDERATION AT
A MEETING OF THE COUNCIL

Council Note circulated for information

Dy. Secy.
GAD.

Chief Minister,
All Ministers.

SECRET. A&F 11 WMA 57.

COUNCIL NOTE.

Subject:- C.19/58-9.
Weights and Measures Bill.

At present five different Weights and Measures Acts are in force in different areas of the new Mysore State. They are not uniform either in scope or standards.

2. Parliament has enacted a legislation of Standards of Weights and Measures Act, 1956 laying down the standards of metric system. This Act is proposed to be brought into force with effect from 1-10-1958 in limited areas of each State. The Government of India, after consulting all State Governments have forwarded a model enforcement bill with a request to get it introduced in the next session of the State Legislature. This model bill has been examined by the Chief Marketing Officer. He forwarded a tentative draft bill for approval of Government. This has been scrutinised by the Law Department.

3. The financial implications of the proposed bill has also been examined. The total non-recurring expenditure on this account comes to Rs.37/- lakhs. This expenditure is proposed to be phased over for a period of three years. The Centre originally proposed to meet only half of the non-recurring expenditure as at present. When the matter was discussed by the Joint Secretary to Government of India with the Chief Secretary and other Secretaries at Bangalore on 18.12.1957 a suggestion was made that the Government of India should meet at least 75% of the non-recurring expenditure and 50% of the recurring expenditure. This has not been agreed to by the Government of India. As regards the recurring expenditure the extra cost to the State on account of the implementation of the scheme will be about Rs.1,95,996/- if the entire staff asked for is sanctioned. The proposed metric system is proposed to be introduced in stages over a period of ten years. The Finance Department is agreeable to the present proposal ~~xxxx~~ but suggests that the Government of India may be pressed to share at least 75% of the non-recurring expenditure ~~xx~~ and 50% of the recurring expenditure. The amendments subsequently communicated by the Government of India for the model bill are also scrutinised by the Law Department and incorporated in the uniform Act now proposed.

M.S.Swaminathan 15/4/58
(M.S.Swaminathan),
Secretary to Government,
Agriculture & Forest Departments.
15/4/58

STATEMENT OF OBJECTS AND REASONS.

The Central Government have decided to introduce the metric system of weights and measures throughout the country. The Standards of Weights and Measures Act, 1956 prescribing metric standards have also been passed by the Parliament. The enforcement of these standards rests with the State Government. In the new Mysore State there are five different Weights and Measures Acts in different areas. The proposed Bill seeks to put an end to the diversity of weights and measures prevalent in different areas of the State and also to implement the decision of Parliament to introduce the metric system in the Country.

The main features of the bill are:

i) introduction of Metric Weights and Measures and integral multiples and sub-multiples thereof for use in the State;

SECRET.

ii) Testing and custody of reference secondary and working standards;

iii) Verification and stamping of weights and measures, weighing and measuring instruments; and

iv) appointment of Inspectors invested with certain jurisdiction, powers and duties, including power to seize false weights or measures etc.

S.NIJALINGAPPA.

Financial Memorandum.

The financial implications in bringing out the new legislation of Weights and Measures involves an additional non-recurring expenditure of Rs.37/- lakhs and a recurring expenditure of Rs.5,45,255/-. The recurring expenditure includes the present expenditure of Rs.3,49,259/- on the existing staff. The extra cost involved on account of the implementation of the scheme will be Rs.1,95,996/- after the entire staff asked for is sanctioned. The non-recurring expenditure is proposed to be phased over for a period of three years and the Centre is sharing half of this expenditure. The proposed enactment is expected to yield an additional revenue of about Rs.2/- lakhs.

S.NIJALINGAPPA.

(Please see next page for the Mysore Weights and Measures (Enforcement) Bill, 1958.)

THE MYSORE WEIGHTS AND MEASURES (ENFORCEMENT) BILL, 1958.

A Bill to provide for the enforcement of standard weights and measures and for matters connected therewith.

WHEREAS it is expedient to provide for the enforcement of standard weights and measures and for matters connected therewith;

Be it enacted by the Mysore State Legislature in the Ninth Year of the Republic of India as follows-

CHAPTER - I. PRELIMINARY.

1. Short title, extent and commencement.-(1) This Act may be called the Mysore Weights and Measures (Enforcement) Act, 1958.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act or for different areas or for different classes of undertakings or for different classes of goods.

2. Definitions.- In this Act, unless the context otherwi requires,-

(a) "Commercial Weight, or Measure" means a weight or r purporting to be a standard weight or measure used in any tra actions for trade or commerce.

(b) "Controller" means the Controller of Weights and Me appointed under section 15.

(c) "Inspector" means the Inspector of Weights and Me appointed under section 15.

(d) "Measuring instrument" means any measuring instrume other than a weighing instrument and includes any instrument the measurment of length, area, volume or capacity.

(e) "Mint" means the mint of the Central Government ei in Bombay or in Calcutta.

(f) "prescribed" means prescribed by rules made under Act.

(g) "standard weight or measure" means any unit of mas or measure referred to in sub-section (1) of section 13 of th Standards of Weights and Measures Act, 1956 (Central Act 89 o 1956) and includes any other weight or measure permitted to b continued to be used by the Central Government in pursuance c sub-section (1) of section 14 of the said Act.

(h) "reference standards" means the sets of standard weights and measures supplied to the State Government by the Central Government in pursuance of sub-section (2) of sectior 15 of the Standards of Weights and Measures Act, 1956.

(i) "Rules" means rules made under section 42.

(j) "Stamping" includes casting, engraving, etching, branding or otherwise marking in such manner as to be, so fa as practicable, indelible and the expression "stamp" and othe expressions relating thereto shall be construed accordingly.

(k) "Verification" with its grammatical veriations used with reference to a weight or measure or weighing or measuring instrument, includes the process of comparing, checking or testing such weight or measure or weighing or measuring instrument and also includes re-verification.

(l) "Weighing instrument" means any instrument used for weighing and includes scales with the weights belonging thereto, scale-beams, balances, spring balances, stoll yards and other weighing machines.

CHAPTER - II

STANDARD WEIGHTS AND MEASURES.

3. Working standards.- (1) For the purpose of verifying the correctness of commercial weights and measures and weighing and measuring instruments used in transactions for trade or commer the State Government shall cause to be prepared such number of authenticated sets of standard weights and measures as they may think fit to be working standards, and special sets of working standards in relation to bullion and precious stones may also be prepared.

(2) The working standards shall be made of such material and according to such designs and specifications and shall be prepared by such agency and shall be stamped and authenticated by such person or authority and in such manner as may be prescribed.

(3) The working standards shall be kept by such officers as the State Government may direct at such places, and in such manner as may be prescribed.

(4) A working standard shall be verified with the secondary standard and marked by such persons, at such places, at such intervals and in such manner as may be prescribed.

Provided that a special working standard in relation to bullion and precious stones shall be verified with the reference standard.

(5) A working standard which is not so verified and marked within the prescribed period shall not be deemed legal or be used for the purposes of this act.

(6) A working standard which has become defective shall not be deemed legal or be used for the purposes of this Act, until it has been verified and marked in the prescribed manner.

4. Secondard standards.- (1) For the purpose of verifying the correctness of the working standards, the State Government may cause to be prepared at the Mint such number of authenticated sets of standard weights and measures as they may think fit. Such sets shall be called the secondary standards.

(2) The secondary standards shall be made of such material and according to such design and specifications as may be prescribed and shall be stamped and authenticated by such person or authority as the Central Government may direct.

(3) The secondary standards shall be kept by such officers as the State Government may direct at such places, and in such manner as may be prescribed.

(4) A secondary standard shall be verified with the reference standard at least once in every period of five years and shall be marked with the date of verification in the prescribed manner by such person or authority as the State Government may direct.

(5) A secondary standard which [illegible] rified and marked within the aforesaid period shall not be deemed legal and shall not be used for the purposes of this Act.

5. Reference Standards.- The reference standards shall be kept by such officers at such places, and in such manner as the State Government may direct.

6. Standard weighing and measuring instruments.- (1) For the purpose of verifying the correctness of commercial weights and measures and of weighing and measuring instruments used in transactions for trade or commerce, the State Government may cause to be prepared as many sets of weighing and measuring instruments as it may deem necessary.

(2) Such instruments shall be of such kind kept in such number and shall be verified and stamped in such manner as may be prescribed.

(3) Such instruments shall be kept at all places where secondary standards or working standards are kept

7. Prohibition of use of weights and measures other than standard weights and measures.- (1) Notwithstanding anything contained in any other law or any custom, usage or practice, no unit of mass or measure, other than the standard weights or measures shall be used in any transactions for trade or commerce or any dealing or contract or for any work to be done or goods to be sold or delivered in any area or class of goods or undertakings in respect of which this Act has come into force.

(2) Any custom, usage, practice or method of whatever nature which permits in any trade, a trader, seller or buyer to demand, receive or cause to be demanded or received any quantity of article in excess of, or less than, the quantity fixed by the weight or measure by which the contract or dealing in respect of the said article has been made, shall be void.

(3) Any transaction, dealing or contract, had or made after the expiry of three months from the commencement of this Act shall, in so far as it contravenes the provisions of sub-section (1), be void.

8. Power to prescribe the use of weights only or measures only, in certain cases.- (1) Notwithstanding anything contained in this Act, the State Government may, by notification in the Official Gazette, direct that in any specified trade or class of trades no transaction, dealing or contract shall be made or had except by weight only, or except by measure only, and such notification shall take effect in such area, with effect from such date, and subject to such conditions, if any, as may be specified therein.

CHAPTER III.

VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES.

9. Marking of denominations on commercial weights and Measures.- Every weight or measure manufactured for use as a Commercial weight or measure shall bear the description which it purports to be, marked legibly on it in such manner as may be prescribed.

THE MYSORE WEIGHTS AND MEASURES (ENFORCEMENT) BILL, 1958.

10. Prohibition of sale of unstamped commercial weights and measures.- No commercial weight or measure or weighing or measuring instrument shall be sold or delivered unless it has been verified or reverified in accordance with the rules made under this Act and stamped in the prescribed manner by an Inspector with stamp of verification under this Act.

11. Prohibition of use unstamped weights or measures.- No weight or measure or weighing or measuring instruments shall be used in transactions in trade or commerce unless it has been verified or reverified in accordance with the rules made under this Act and stamped in the prescribed manner by an Inspector, with a stamp of verification under the Act.

12. Power of State Government to exempt.- Where the size of a commercial weight or measure renders it impracticable to have any denomination marked on it under the provisions of section 9 or to be stamped under the provisions of section 10 or section 11, the State Government may, by notification in the Official Gazette, exempt such weights or measures from being so stamped.

13. Prohibition against manufacture etc., of weights and measures without license.- No person shall, in course of any trade, manufacture repair or sell any commercial weight or measure or any weighing or measuring instrument, unless he has obtained in the prescribed manner a license in this behalf from the State Government or such officer as the State Government may authorise in this behalf

14. Marking of weight or measure on sealed containers.- No person shall sell, offer for sale, expose for sale, or have in his possession for sale, any article contained in a sealed package or container unless such package or container bears thereon, or on a label securely attached thereto, a description of the net weight or measure of the article contained therein.

15. Appointment of Controller, Assistant Controller and Inspectors.- (1) The State Government may appoint a Controller of Weights and Measures for the State and as many Assistant Controller and Inspectors of Weights and Measures as may be necessary for exercising the powers and discharging the duties conferred or imposed on them by or under this Act.

2) The State Government may, by general or special order, define the local limits within which each Inspector shall exercise the powers and discharge the duties conferred or ~~dx~~ imposed on Inspectors by or under this Act.

(3) Subject to the provisions of this Act, all Assistant controllers of Weights and Measures and Inspectors shall perform their functions under the general superintendence and control of the Controller; and the Controller and the Assistant Controllers of Weights and Measures may, in addition to the powers and duties conferred or imposed on them by or under this Act, exercise any power or discharge any duty so conferred or imposed on Inspectc

(4) The Controller of Weights and Measures, every Assist Controller and every Inspector appointed under sub-section (1) shall be deemed to be a public servant within the meaning of se 21 of the Indian Penal Code.

16. Verification and stamping by Inspectors.- (1) Every Inspector shall, for the purpose of verification of weights and measures and weighing and measuring instruments, attend at such place and time within his jurisdiction as may be appointed in this behalf by the Controller.

(2) The Inspector shall verify every weight or measure r weighing or measuring instrument which is brought to him for he purpose of verification and if he finds such weight or measure r weighing or measuring instrument to be correct and in conformity ith the Standards of Weights and Measures Act, 1956 (Central Act 9 of 1956) and the rules made thereunder, he shall stamp the same ith a stamp of verification in the prescribed manner.

17. Power to Inspect etc.- (1) An Inspector may, within he area under his jurisdiction, inspect at all reasonable times, he weights, measures and weighing and measuring instruments which re used in transactions for trade or commerce or are in the possession of any person or are on any premises for such use and may verify very such weight or measure or weighing or measuring instrument with a secondary or working standard or weighing or measuring instrument prescribed for the purpose.

(2) For the purpose of verifying the correctness of any weight or measure used in any transaction, an Inspector may also verify the weight or measure of any article sold or delivered in the course of the transaction.

(3) An Inspector may, at all reasonable times, require any trader or any employee or agent of a trader to produce before him for inspection all weights, measures, weighing and measuring instruments which are used by him or are in his possession or are kept on any premises used for trade and all documents and records relating thereto and such trader, employee or agent shall comply with such requirements.

(4) An Inspector may seize and detain any weight or measure or weighing or measuring instrument regarding which an offence under this Act appears to have been committed or which appears to have been or which might be used in the commission of such an offence, and may also seize and detain any articles sold or delivered or caused to be sold or delivered by means of such weight or measure or weighing or measuring instrument together with any documents or records relating thereto.

(5) Where an Inspector has reasons to believe that a sealed package or container does not actually contain the net weight or measure of the article which it purports to contain, he may break open the sealed package or container and verify its contents; and if, on such verification, the net weight or measure of the article is found to be correct, he shall reseal the package or container where it is possible so to do without injury to the contents thereof and attach a certificate thereto stating the correct weight or measure of the article, but if, on the other hand, the net weight or measure of article is found to be incorrect, he may seize and detain the package or container and the article contained therein.

(6) For the purpose of such inspection, an Inspector may, at all reasonable times, enter into any place where weights, measures or weighing or measuring instruments are used or kept for use in transactions for trade or commerce and inspect such weights and measures and weighing and measuring instruments.

18. Inspector not to be maker, adjuster or seller of weights and measures or weighing or measuring instruments.- An Inspector shall not be employed in the making, adjusting or selli of weights or measures or weighing or measuring instruments:

Provided that in any area in which it appears to the State Government desirable that an Inspector should be allowed to adjus or sell weights or measures, or weighing or measuring instrument the State Government may, if it thinks fit, authorise such Inspe to adjust or sell weights, measures, or such instruments accordi

19. Manufacturers, etc., to maintain records and documents.- (1) Every manufacturer, repairer or dealer in weights and measures or weighing or measuring instruments, and every person using them in transactions for trade or commerce shall maintain such records and accounts as may be prescribed and if required to do so by an Inspector, shall produce such records and accounts before him.

(2) Notwithstanding anything contained in sub-section (1), if the State Government is of opinion that having regard to the nature of business carried on by such manufacturer, repairer or dealer, it is necessary so to do, it may, by order, exempt such person or class of persons from the operation of that sub-section.

20. Appeals.- (1) Any person aggrieved by any decision of an Inspector under this Act, may within sixty days from the date of the decision, prefer an appeal to the Controller or any Assistant Controller of Weights and Measures specially authorised in this behalf by the State Government.

(2) Any person aggrieved by any original decision of the Controller or an Assistant Controller of Weights and Measures under this Act, may within sixty days from the date of the decision prefer an appeal to the State Government.

(3) On receipt of an appeal under sub-section (1), or (2), the appellate authority shall, after giving the person concerned a reasonable opportunity of being heard, decide the appeal and the decision of the Appellate authority shall be final.

21. Levy of fees.- The State Government shall charge such fees:-

(a) for the grant of license under section 13, for manufacture, repair or sale of commercial weights and measures and weighing and measuring instrumen

(b) for the verification, marking stamping and adjustment of commercial weights and measures and weighing and measuring instruments;

as may be prescribed

22. Validity of weights and measures duly stamped.- A weight or measure or weighing or measuring instrument, duly stamped by an Inspector under this Act, shall be a legal weight or measure or weighing or measuring instrument in all places in which this Act has come into force unless it is found to be false or defective and shall not be liable to be re-stamped by reason merely of the fact that it is used in any place other than tha in which it was originally stamped.

CHAPTER IV.

PENALTIES.

23. Penalty for sale or delivery by weight or measure other tha standard weight or measure.- Whoever, after the expiry of three months from the commencement of this section, sells or causes to be sold or delivers or causes to be delivered in the course of any transaction for trade or commerce any article by any denomination of weight or measure other than one of the standard weights or measures shall, on conviction, be punished with fine which may extend to two thousand rupees and for every succeeding offence, with imprisonment for a period which may extend to three months and with fine.

24. Penalty for sale of unstamped weights and measures.- Whoever sells or delivers any weight or measure or any weighing or measuring instrument which has not been verified or reverified or stamped in accordance with the provisions of this Act and the rules made thereunder shall, on conviction, be punished with fine which may extend to one thousand rupees.

25. Penalty for use of unstamped weights and measures.- Whoever uses in any transaction for trade or commerce, or has in possession for such use, any weight or measure or any weighing or measuring instrument which has not been verified or reverified or stamped in accordance with the provisions of this Act and the rules made thereunder shall, on conviction, be punished for a first offence with fine which may extend to one thousand rupees, and for every succeeding offence, with imprisonment for a period which may extend to three months and with fine.

Explanation 1. - When any such weight or measure or weighing or measuring instrument is found in the possession of any trader or any employee or agent of such trader, such trader, employee or agent shall be presumed, until the contrary is proved, to have had it in his possession ~~xxxxx~~ for use in transactions for trade or commerce.

Explanation 2. - Where any weight or measure or weighing or measuring instrument is ~~xxx~~ used or possessed in contravention of this section by any employee or agent of a trader on behalf of such a trader, such trader shall, unless he proves that the offence under this section was committed by his employee or agent without his knowledge or consent, be also deemed to be guilty of such offence.

26. Penalty of manufacture of weights, etc., without licence.- If any person manufactures, repairs, or sells any weight or measure or weighing or measuring instrument, without obtaining a licence as required by section 13, shall on conviction be punished with imprisonment for a period which may extend to three months, or with fine, or with both.

27. Penalty for use of weight or measure in contravention of section 8.- Whoever contravenes any of the provisions of a notification issued under section 8 shall be punished with fine which may extend to one thousand rupees.

28. Penalty for failure to mark weight or measure on sealed containers.- Whoever contravenes the provisions of section 14 shall on conviction be punished with fine which may extend to one thousand rupees.

29. Penalty for fraudulent use of weights, measures etc.- Whoever fraudulently uses any standard weight or measure or weighing or measuring instrument which he knows to be false shall on conviction, be punished with imprisonment for a period which may extend to one year, or with fine or with both.

30. Penalty for being in possession of false weight or measure, etc.,- Whoever is in possession of any commercial weight or measure or weighing or measuring instrument which he knows to be false intending that the same may be fraudulently used, shall bn conviction be punished, with imprisonment for a period which may extend to one year, or with fine or with

31. Penalty for making or for selling false weight or measure etc.- Whoever makes, sells or disposes of or causes to be made, sold or disposed of any standard weight or measure or weighing or measuring instruments which he knows to be false, in order that the same may be used as true, or knowing that the same is likely to be used as true, shall on conviction, be punished with imprisonment for a period which may extend to one year, or with fine or with both.

32. Penalty for giving short weight or measure.- Whoever in selling any article by weight or measure, delivers or causes to be delivered to the purchaser less than what is purported to be sold shall, if the deficiency exceeds the prescribed limit of error shall on conviction be punished with fine which may extend to three hundred rupees.

33. Penalty for forging, etc., of weights, measures etc.- (1) Whoever forges or counterfeits any stamp used under this Act for the stamping of any standard weight or measure or weighing or measuring instrument or possesses any such counterfiet stamp, or measure or weighing or measuring instrument and inserts the same into another weight or measure or weighing or measuring instrument or wilfully increases or diminishes a weight or measure so stamped, shall on conviction be punished with imprisonment for a period which may extend to one year, or with fine, or with both.

(2) Whoever knowingly uses, sells, utters, disposes of or exposes for sale any weight or measure or weighing or measuring instrument with such forged or counterfeit stamp thereon, or a weight or a measure so increased or diminished shall on conviction be punished with imprisonment for a period which may extend to six months or with fine, or with both.

34. Penalty for neglect on refusal to produce weight or measure etc., for inspection.-

Whoever

(a) refuses or neglects to produce for inspection under section 17, any weight or measure or weighing or measuring instrument or any document or record relating thereto in his possession or on his premises, or

(b) refuses to permit an Inspector to inspect and verify any such weight, measure, instrument, document on record; or

(c) obstructs the entry of an Inspector under section 17, or

(d) otherwise obstructs or hinders an Inspector in the performance of his duties under this Act, shall on conviction be punished with fine which may extend to five hundred rupees.

35. Penalty for breach of duty by Inspector.- In an Inspector knowingly stamps a weight or measure or weighing or measuring instrument in contravention of the provisions of this Act or of the rules made thereunder, he shall on conviction be punished with imprisonment for a period which may extend to one year, or with fine, or with both.

CHAPTER V - MISCELLANEOUS.

36. Protection of persons acting in good faith.- No officer or servant of the State Government shall be liable in respect of any act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of the functions imposed by or under the Act.

37. Cognizance of officers etc.- (1) No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by the Controller or any officer authorised in this behalf by the Controller by general or special order.

(2) No court inferior to that of a magistrate of the first class shall try any offence punishable under this Act.

38. Stamped weights etc., to be presumed to be correct.- A weight or measure or weighing or measuring instrument duly stamped under the provisions of this Act and the rules made thereunder shall be presumed to be correct until its inaccuracy is proved, if this is produced in any court by any Inspector having charge thereof or by any person acting under the general or special authority of the Controller.

39. Offences by companies.- (1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in-charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the offence was committed without his knowledge or that he exercised all due deligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in ~~xxxx~~ sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:- For the purposes of this section:-

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

40. Delegation of powers:- The State Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act or rules made thereunder shall, in relation to such matters and subject to such conditions, as may be specified in the direction, be exercisable also by such officer or authority subordinate to the State Government as may be specified in the notification.

Provided that nothing contained in this section shall apply to any power of the State Government to make rules under this Act.

41. Limits of error to be tolerated in weights and Measures.- Subject to any rules that may be made under the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956) in this behalf, the State Government may prescribe the limits of error which may be tolerated:-

(a) in secondary standards referred to in section 4:

(b) in working standards referred to in section 3:

(c) in commercial weights and measures or in selling articles by weight or measure generally or as regards any trade or class of trades: and

(d) weighing and measuring instruments;

42. Power to make Rules.- (1) The State Government may, by notification in the Official Gazette, make rules to carry out the purpose of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the material of which and the designs and specifications according to which working standards be made, the agency by which such standards may be prepared, the person by whom or the authority by which and the manner in which such standards may be stamped and authenticated; the places at which and the custody and manner in which such standards may be kept;

(b) the procedure for the verification or reverification and marking of working standards, the persons by whom, the places at which and the intervals at which, they may be marked;

(c) the material of which and the designs and specifications according to which secondary standards may be made, the places at which and the custody and manner in which such standards may be kept;

(d) the procedure for the verification or reverification and marking of secondary standards and the manner in which they may be marked;

(e) the number of weighing and measuring instruments to be kept, the manner in which they may be verified and stamped and necessary particulars regarding the same;

(f) the manner in which commercial weights and measures may be marked by manufacturers;

(g) the form and manner in which, and the conditions subject to which licences may be granted to persons for manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments;

(h) the qualifications, functions and duties generally of Inspectors under this Act:

(i) verification and stamping of weights and measures and weighing and measuring instruments and the period within which they are to be ~~xxxix~~ reverified;

(j) inspection of weights and measures and weighing and measuring instruments used in transactions for trade or commerce;

(k) the seizure, detention and disposal of weights and measures which are not authorised by this Act;

(l) the books, accounts and records relating to weights and measures and weighing and measuring instruments to be maintained and the manner in which they may be maintained or produced;

(m) the limits of error which may be tolerated in secondary or working standards;

(n) the limits of error which may be tolerated in weights and measures and weighing and measuring instruments used or intended to be used in transactions for trade or commerce;

(o) the limits of error which may be tolerated in selling articles by weight and measures generally or as regards any trade or class of trades;

(p) the form and manner in which appeals may be preferred against decisions of Inspectors and the procedure for hearing appeals;

(q) the fees which may be charged for the grant of licences under section 13 and for verification, reverification, adjustment and stamping of weights and measures and weighing and measuring instruments and the collection and levy of the same;

(r) Any other matter which has to be, or may be, prescribed;

(3) in making any rule under this section the State Government may provide that a breach thereof shall be punishable with fine which may extend to five hundred rupees.

(4) The power to make rules under this section shall be subject to the condition of previous publication in the Official Gazette.

43. <u>Rules and orders to be laid before the State Legislature</u>.- Every notification issued under section 8 or section 12 and every rule made under section 42 shall as soon as may be after it is issued be laid before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of the said periods, either House of the State Legislature makes any modification in the notification or rule, or directs that the notification or rule shall not have effect and if the modification or direction is agreed to by the other House, the notification or rule shall thereafter have effect only in such modified form or be of no effect as the case may be.

44. <u>Repeal and Saving</u>.- (1) On the coming into force of the Mysore Weights and Measures (Enforcement) Act, 1958 or any part thereof in any area or areas -

The Bombay Weights and Measures Act, 1932 (Bombay Act XV of 1932), as in force in the Bombay Area; the Coorg Weights and Measures Act, 1954 (Coorg Act VII of 1954) as in force in the Coorg District; the Hyderabad Weights and Measures Act, 1356F (Hyderabad Act XIV of 1356 Fasli) as in force in the Hyderabad Area; the Madras Weights and Measures Act, 1948 (Madras Act XXII of 1948) as in force in the Madras Area; the Madras Weights and Measures Act, 1948 (Madras Act XXII of 1948) as in force in the Bellary District; the Mysore Measures of Length Act, 1890 (Mysore Act III of 1890) and the Mysore Weights and Measures Act, 1902 (Mysore Act III of 1902) shall to the extent to which they contain any provision which corresponds to any provision of this Act, stand repealed in such area or areas:

Provided that such repeal shall not affect -

(a) the previous operation of the said enactments or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said enactments; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, any any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further thall all appointments made, notifications and notices issued, rules byelaws and orders made, contracts entered into under any repealed enactment shall, so far as they are not inconsistent with the provisions of this Act and the Rules continue in force and be deemed to have been made, issued and entered into under this Act.

(2) If, immediately before the commencement of this Act or any provision thereof in respect of any area or class of goods or undertakings, there is in force in respect of that area or class of goods or undertakings, any law which corresponds to this Act or to any provision thereof and which is not repealed by sub-section (1), that corresponding law shall stand repealed.

731/58
Law V

A&F II WMA57

1958-59.

Extract from the Proceedings of the Third ***Meeting of the Council of Ministers held at Bangalore on*** 18th April 1958

Subject:- C.19/58-9

The Mysore Weights & Measures (Enforcement) Bill, 1958.

DECISION OF COUNCIL

Approved.

(SD) S.NIJALINGAPPA
CHIEF MINISTER
18/4/58.

: A copy of action taken on the decision of Council may please be sent to Council Section.

Secretary,
A.& F. Depts.

AGRICULTURE & FOREST SECRETARY
No. 2809
18 APR 1958
GOVERNMENT OF

18/4.

19/4

53 A&F.D. Coop Se

Enclosures as per phrase placed below.

The Council have approved the Bill relating to weights and measures, the file may now be marked to Law Deptt. for further necessary action as per Rules of Business and distribution.

19/4/1958.

54 For favour of immediate further action
L.D.

DAFTION OF LAW BRANCH
No. 2809
22 APR 1958
THE GOVERNMENT SECRETARIAT

"EXTRACT"

Deputy Chief Secretary to Government.
G.A.D.
R.No 7160 /Law
Sec.V
19-4-58 xxx
19/4 22/4/58

Enclosures

The Mysore Weights & Measures (Enforcement) Act, 1958

Mysore Government Secretariat | N 58 | File No. 73/1 Law | of 195 . | [App. F. III 2

Fwd 43 A G. | Serial No. | 53 Received Trunk Call from Sri Venkataachalam of Home Ministry that the matter should be expedited. Take necessary action at once

24/4

24/4/58

SECTION OF LAW BRANCH No. 24 APR 1958 THE MYSORE GOVERNMENT SECRETARIAT

Sri J.B

24/4/58

54 Draft and fair of a letter ~~forwarding~~ to the Secy., L.D. forwarding three copies of the Bill for publication in the Mysore Gazette submitted for approval and signature.

25/4

25/4/58

Law. Secy) 55 25/4

S.T.II

58 25/4

Issued no. LAW 43 LGW 58 d. 25-4-1958
Vaishaka 5, Saka 1880

To

59 copy of the letter to the Secy L.D. dated 25th April, 1958 will be sent to the Cabinet section for information with refce to para 52. Another copy will be sent the Secy, A&F.

Draft and fair submitted

29/4

Not issued

Mysore Government Secretariat

File No. 897/58 of 195 Laws

[App. F. III 2

Serial No.

THE MYSORE WEIGHTS AND MEASURES(ENFORCEMENT)BILL,1958

62 The Mysore Weights and Measures(Enforcement) Bill,1958 has been approved by the Council of Minister Action is being taken to send copies of the Bill to the Secretary,Mysore Legislature for publication in the Mysore Gazette.

63 In order to intimate the Secretary,Mysore Legislature the motions to be made in respect of this Bill, orders are solicited whether it is proposed to refer the Bill to a Select Committee of the Assembly or a Joint Select Committee of both Houses of the Legislature.

Law. Secy) 64 U.S. III Law 24/4/58

24/4 24/4/58

Chief Min. Min. Sec A & F 65 Wasnidar 24/4

66 This is a Bill one the provisions of which seem is likely to be little controversy. Hence reference to any select Committee does not seem expedient. Hence a motion for consideration is indicated.

Mr Dravinal 25/4/58

67 Cm Let Law Minister

Secy A.&.F. 25/4/58

70 Minister for Law 25/5

6.9/ Discussed with Law Secy. He will discuss with H.C. & Secy. 26/5/58

71 I agree 25/5

The Mysore Weights & Measures (Enforcement) Bill 1958

File No. 897/Law of 195

Mysore Government Secretariat

Serial No 731/897/Law

Issued letter no LOW 43 LG 58 d. 2/5/58

12th Vaishakha Bahula

MINISTER FOR LABOUR & LEGAL
No. 366/58 SS
29 APR 1958

To
The Secy
L.C
Forwards 3 copies of the Bill for publication

The introduction of this Bill in the L.C. has been included in the list of business of the L.C. for Monday the 5th May 195

Motion for introduction of the Bill is placed in the file

73

74

Law. Secy) 3/5/58

U.S. in Law 3/5/58

Chief Min 3/5

75

OFFICE OF THE CHIEF MINISTER
No. 696
Date 13/5/58

The Mysore Weights and Measures (Enforcement) Bill 1958 was introduced in the L.A. by the Minister for Agriculture for the Chief Minister on 5-5-58

76

SECRETARY TO GOVERNMENT LAW
13 MAY 1958

Secy
Law Dept } 9/5/58

DIVISION OF LAW BRANCH
No.
14 APR 1958
SECRETARIAT

Mysore Weights and Measures Enforcement Bill. Assent of President of India

1655/S Bill

[App. F. III 2

Mysore Government Secretariat

File No. ALF 5 WMA 58 of 195

Serial No.

From Dt. Regr. Cons.

D.O. letter No: M.D. 14207-6/58-59 of 19.8.1958 - forwarding the copy of D.O. letter dt. 14.8.1958 from Leg. S. on C. on the above subject.

Noted for perusal.

The Law Deptt. have remarked in the concerned file of the above said bill (ALF 1 WMA 58) that assent of President is not req.

This req. is the reference to L.D. for the remarks whether such an assent is req. If it is considered necessary it can have to be obtained after the bill is [illegible] the Legislature as it has already been introduced in the L. Council.

Dr. remarks will be given after the President is necessary

21/8.

21/8/58

LAW SECTION. 5

FN. 2766/Law

Sec. V.

23-8-58

282/ADS/Law 25/8/58

Recd at 1-30 pm 23/8

Note.—Contn. Sheet

Pg. 18

S.C.N.V.

26/8/58

25/8/58

The Mysore Weights and Measures (Enforcement) Bill, 1958.

Law 43 L6N 58

Mysore Government Secretariat

File No. of 195

[App. F. III 2

Serial No.

77 The Mysore Weights and Measures (Enforcement) Bill, 1958 was passed by the Legislative council and was introduced in the Legislative Assembly during the last session.

78 It is ascertained that the Bill will be taken up for consideration in the L.A. to-morrow, the 4th Nov, 1958.

79 Hence, this file may be submitted to the Minister for Co-operation. Motion to be made by the Minister for co-operation for the consideration of the Bill is also put up

3/11/58

80 3/11 (Law. Secy) 3/11/58

81 3/11/58 (Min^r for Co-operation) 3/11

82 The Bill was taken up for consideration on 4th Nov.,1958 and the same was passed as amended. The file is now returned.

S.V. Srinivasamurthy
Private Secretary
to the Minister for Co-operation.

13 NOV 1958

Under Secretary,
Law III

R. N. 20795 /Ca

Sec. V

13.XI.58

9-5-III) 14/4 ADS)

13/11/58

14/11/58

Note.—Contn. Sheet

14/11/58

The Mysore Weights and Measures (Amendment) Bill, 1958.

File No. LAW 43 LEG 58

ysore Government Secretariat

Serial No.

83 Notice of intention to move that the amendments made in the L.A. to the Bill be taken into consideration in the L.C. is put up for submission to the Min. for Co-operation.

83

15/11/58

Law Secy) 15/11/58.

Min for Co-operation) Nanjunda 15/11

Notice issued

U/S Law 15/11

OFFICE OF THE MINISTER FOR CO-OPERATION
No 845
15 NOV 1958

To 21014

Sec V 17-11-58

17/4

U.S. III

82

Submitted

84 Motion for consideration of the amendments made by the L.A. to the Bill, in the L.C. is put-up for approval and submission to the Minister for Co-operation.

Serial No.

THE MYSORE WEIGHTS AND MEASURES(ENFORCEMENT)BILL, 1958.

85A Draft letter to the Secretary to the Governor

draft of a letter to be addressed by the Secretary to the Governor to the Ministry of Home Affairs are submitted

85D 13/12 ao. Secy) 13/12/58

85C

named letter no. LAW 43 LGSW 58 13.12.1958

To + the Governor of Mysore

The Mysore Weights and Measures (Enforcement) Bill 195

Mysore Government Secretariat

File No. of 195 . [App. F. III 2

Serial No.

Letter no. 11622/B.D. dated the 6th Dec. 1958 (10.12.58) from the Secy, Mysore Legislature forwarding two parchment copies of the Bill.

80. The two parchment copies of the Bill received from the Secy, Mysore Legislature are put up.

87 The Bill has been passed by both Houses of the State Legislature.

88 The subject matter of the Bill falls under Entry 29 of List II - State List of the Seventh Schedule to the constitution of India. Clause 13 of the Bill imposes restrictions on the freedom of trade and commerce and as such the Bill will have to be reserved by the Governor under Art. 200 of the Constitution for the consideration of the president. The previous sanction of the president under the proviso to clause (b) of Art. 304 of the constitution could not be obtained before the Bill was introduced in the L.C. during the April-May 1958 Session of the Legislature. Hence the Bill has to be submitted to the president for assent as advised by the Secy. Standing Matric Com in his letter dated the 16th Aug., 1958. The fil in the first instance be sent to the Secy Pi as required by Instruction 37 (1)(a)

The Mysore Weights and Measures (Enforcement) Bill 1958

File No.

Mysore Government Secretariat

Serial No

LDW 63 LGN 58

2557

Law

Mysore Govt Secretariat Instructions

Two authentic Parchment Copies are placed in the file

10/12/58

7/12/58

10/12/58

89. The Bill requires to be reserved for the consideration of the president, as clause 13, imposes restrictions on trade and commerce.

Law. Secy)

Sec LD

13/12/58

SECRETARY TO GOVERNOR
3104
10 DEC 1958
LAW

Two authentic copies of the Mysore Weights & Measures (Enforcement) Bill, 1958, as passed by both Houses of the State Legislature, are placed in the file. The Governor may be pleased to declare that he reserves the Bill for the Consideration of the President, by affixing his signature in the appropriate place, with the date, on both copies of the Bill.

(R.P. Vasudeo)
Secretary to Govt
Law Dept

SECRETARY TO THE GOVERNOR

Submitted to His Highness for gracious approval and signature

Secretary to Governor.
17-12-1958.

77/58-59.

APPROVED

12

The Mysore Weights and Measures (Enforcement) Bill, 1959

Mysore Government Secretariat | 2557 / 17/59 / 117 [illegible] Law File No. of 195 . | [App. F. III 2

LAW 43 LGW 58 | Serial No.

Mysore Act No. 2 of 1959

93 Express Telegram to GOI is put up for approval as instructed

94 [illegible] 26/12/58

[illegible] 26/12/58 [illegible] Mas 26/12/58

Express Telegram sent

[Letter No. 17/303/58-Judl. I dated 28th Dec. 1958 from the Dy Secy to the Govt of India, Ministry of Home Affairs]

94. A further communication from the Govt of India may be awaited.

S.

282 / HDS LGW

96 6/1/59 A U.O is to be issued. Receipt of intimation re-assembling on Parliament will be awaited.

Dy C M.
[illegible] 6/1/59

[illegible] 6/1/59 [illegible] Mas 6/1/59.

Letter No. A4/34-1 (2)/[illegible] d. [illegible] 18, 1959

From the Secretary to the Governor of Mysore.

97 The President has assented to the Bill on the 14th Jan., 1959.

98 Draft and fair of a notification publishing the Act as Mysore Act No 2 of 1959 in the Mysore Gazette d. the 22nd Jan., 1959 are put up for approval of signatures. The notification issue is put up for issue [illegible]

99 [illegible] 19/1/59 [illegible] Mas 19/1/59.

100 [illegible] 19/1/59

101 Law Secy

The Mysore Weights and Measures (Enforcement) Act 19--
(2 of 1959)

File No. of 195

Mysore Government Secretariat

Serial No. LAW 43 LGN 58

Issued Notification No. LAW 43 LGN 58 d. 1-1-1959

To

Compiler Mysore Gazette

for publication in the Gazette dated the 22nd Jan, 1959

2 The Kannada Translator to Govt

Copy of letter No. DG/346/1959 d 20.1.1959 from the Secy to the Governor of Mysore

Draft letter acknowledging the receipt of the authentic copy of the Bill is put up. ~~A set~~ (Act in respect of the Inams Abolition (Amendment) Bill is put up separate in the relevant file)

4/5 IV

Issue made 24

Issued No. LAW 43 LGN 58 d. 22-1-195

To The Secy to the Governor of Mysore

The Act has been published in the Mysore on d. 22nd Jan, 1959.

Draft letter to the Secy L.A. put up.

Issue made 23/1

4/5 IV

Issued No. LAW 43 LGN 58 d. 26/1/59

To The Secy Legis

Act published in the Mysore Gazette d. 22-1-1959

WD 01774—GPH—PZS—500,000—20-10-5

Mysore Government Secretariat

File No. 895/58 of 195 Law

[App. F. III 2

Serial No.

THE MYSORE WEIGHTS AND MEASURES(ENFORCEMENT) BILL,1958.

The Mysore Weights and Measures (Enforcement Bill,1958 has been approved by the Council of Ministers It is proposed to introduce the Bill during the current session of the Mysore Legislature. The Bill, if enacted and brought into ~~xxxx~~ operation, would involve expenditure from the Consolidated Fund of the State. Therefore, the recommendation of the Governor under Article 207(3) of the Constitution of India is ~~xxxxxxxx~~ necessary for the consideration of the Bill in the Assembly and the Council.

Two draft orders of recommendation of the Governor under clause(3) of Article 207 of the Constitution of India for the consideration of the Bill in the Mysore Legislative Assembly and the Mysore Legislative Council,are placed in the file for favour of submission to the Governor for signature.

(R.P.Vasudeo)
Secretary to Govt.,
Law Department
24th April,1958

Secretary to the Governor) 24/4/58

Submitted to His Highness for gracious approval and signature.

Secretary to Governor.
25-4-1958.

APPROVED

GOVERNOR.

Law Secretary)

SECRETARIAT OF GOVERNMENT
1287
26 APR 1958
LAW DEPARTMENT

GOVERNOR'S SECRETARIAT, MYSORE.
25 APR 1958
H.H. No. 5/58-59

SECRETARIAT OF LAW BRANCH
1958

Note—Contn. Sheet

of 195

Mysore Government
Secretariat

Serial No. 895

draft and fair of a letter forwarding the
mendation of the Governor to the Secy. L.C

Submitte

Law Secy

6/5

6/5

6/5/58

Issued no. 895/Law v dated 6-5-1958
To
The Secy. L.C.
Recommendation sent

The Bill has been passed by
It will be taken into consi
by the L.A. to-day. The recommend
of the Governor for the consideration
Bill in the L.A. will be sent to
Secy. L.A.
Draft & Lair Submitted
may be appro

Law Secy

9.5

8.-

Issued No. 895/Law v d. 8-5-58
To
The Secy
Forwards the Governor's Recom

GOVERNMENT OF MYSORE

No. 895/Law V

Mysore Government Secretariat,
VIDHANA SOUDHA,

Dated, Bangalore, 6th May *1958*
16th Vaisakha 1880(Saka

FROM

The *Secretary to the Government of Mysore,*
Law Department.

To

The Secretary,
Mysore Legislative Council,
Bangalore.

Subject:- The Mysore Weights and Measures (Enforcement) Bill, 1958.

Sir,

I am directed to forward herewith the recommendation of the Governor of Mysore for the consideration of the Mysore Weights and Measures (Enforcement) Bill, 1958 in the Mysore Legislative Council.

Yours faithfully,

(R.P.Vasudeo)
Secretary to Government,
Law Department.

Issued
MS
8/5

GOVERNMENT OF MYSORE

No. 895 | Law I Ed one.

Mysore Government Secretariat,
VIDHANA SOUDHA,

Dated, Bangalore, 8th May 1958.
Vaisakha 1880(Saka)

FROM

The *Secretary to the Government of Mysore,*
Law Department.

To

The Secretary,
Mysore Legislative Assembly,
Bangalore 1.

Subject:- The Mysore Weights and Measures (Enforcement) Bill, 1958.

Sir,

I am directed to forward herewith the recommendation of the Governor under Article 207(3) of the Constitution of India for the consideration of the Mysore Weights and Measures (Enforcement) Bill in the Legislative Assembly.

Yours faithfully,

(R.P. Vasudeo)
Secretary to Government,
Law Department.

A & F 2 WMA 58.

Mysore Government Secretariat

File No. of 195

[App. F. III 2

Serial No.

From Add. C.M.O.

Letter No H.D. 2821-W/58-59 dt. 24.4.1958 - forwarding further amendments to Weights & Measures Bill.

The Mysore Weights and Measures (Enforcement) Bill 1958 has been approved by the Cabinet and it has been forwarded to Law Deptt. on 14.4.1958 under file No. A&F-11 WMA 57. for further action as noted in Rules of Business and Secretarial Instructions.

The additional C.M.O. has now forwarded an amendment to Clause 14 of the Bill as suggested by the Gn. I. Ministry of Law. The present clause of the Bill requires the weight being marked even on a package containing a camera or box of pencils which is not necessary. The amendment now suggested therefore limits the scope of the clause to articles which may be notified by Govt. The amendment suggested is to add the words "notified in this behalf by the State Govt in the Offici

File No. 2134/58 of 195

Mysore Government Secretariat

Seria No.

gette and "Law" after the word "article" in the third line of section Clause 14.

The proposed amendment seems to be a healthy one and therefore ~~therefore~~ there seems to be no objection for making the same in Clause 14. But since the Bill has already been approved by the Council, the amendment in question will also require the Cabinet approval. These papers may be referred to the Law Deptt. for consideration before a ~~[illegible]~~ Council note is put up

25/4/1958.

The amendment proposed may be accepted. Dr Jamir of Mysore

L.D.

28/4

The ~~proposed~~ amendment may be accepted. The Bill has already been sent to the Secretary, Hyd. Legislative Assembly, for publication. The necessary amendment may be made at the Select Committee stage or may be moved in the House, if the Bill is not referred to S.C.

28.4.58

Put up

Put up

28/4/58

MYSORE GOVERNMENT SECRETARIAT NO. 3572 5 MAY 8 A.G. & F. DEPTT. CO-OPERATION BRANCH

SECTION OF LAW BRANCH No. 2 29 APR 1958 MYSORE GOVERNMENT SECRETARIAT

U.S. in Law

1/5/58

Mysore Government Secretariat

The Mysore Weights and Measures (Enforcement) Bill, 1958 — moving an amendment to

File No. 934/58 of 195

App. F. III 2

Serial No.	
The file was brought back from the A&F Deptt. on 5/5/1958. S 5/5/1958	Submitted A draft of a notice to the Secy, L.C., regarding the amendment is put up for approval and submission to the Chief Minister Law. Secy) B.U.S. III Law. 5/5/58
	S 5/5/1958. JSR 5/5/58
Notice handed over to the Asst. Secy, Legislature 5/5/1958	(Chief Min) Wanted S/S. V. Venkatappa 5-5-58
(C.M. was at Delhi on 5-5-58. He had authorised the minister for Education to be in charge of his business from 2nd to 6th May 1958)	
	The Mysore Weights and Measures (Enforcement) Bill 1958 — was not ~~Consi~~ taken into consideration during the Budget session of 1958 Secretary Law Dept. } 9/5/58 13/5 14/5
	Sri JB JSR 14/5/58

OFFICE OF THE ... No. 698

GOVERNMENT 1 3 MAY 1958 LAW DEPARTMENT

ADAPTION OF LAW BRANCH No. 1 1959 SECRETARIAT

THE MYSORE WEIGHTS AND MEASURES (ENFORCEMENT) BILL, 1958.

A Bill to provide for the enforcement of standard weights and measures and for matters connected therewith.

WHEREAS it is expedient to provide for the enforcement of standard weights and measures and for matters connected therewith;

BE it enacted by the Mysore State Legislature in the Ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY.

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Weights and Measures (Enforcement) Act, 1958.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint; and different dates may be appointed for different provisions of this Act or for different areas or for different classes of undertakings or for different classes of goods.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) "commercial weight or measure" means a weight or measure purporting to be a standard weight or measure used in any transactions for trade or commerce;

(b) "Controller" means the Controller of Weights and Measures appointed under section 15;

(c) "Inspector" means an Inspector of Weights and Measures appointed under section 15;

(d) "measuring instrument" means any measuring instrument other than a weighing instrument and includes any instrument for the measurement of length, area, volume or capacity;

(e) "Mint" means the mint of the Central Government either in Bombay or in Calcutta;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "standard weight or measure" means any unit of mass or measure referred to in sub-section (1) of section 13 of the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956) and includes any other weight or measure permitted to be continued to be used by the Central Government in pursuance of sub-section (1) of section 14 of the said Act ;

(h) "reference standards" means the sets of standard weights and measures supplied to the State Government by the Central Government in pursuance of sub-section (2) of section 15 of the Standards of Weights and Measures Act, 1956;

(i) "Rules" means rules made under section 42 ;

(j) "stamping" includes casting, engraving, etching, branding or otherwise marking in such manner as to be, so far as practicable, indelible and the expression "stamp" and other expressions relating thereto shall be construed accordingly ;

(k) "verification" with its grammatical variations used with reference to a weight or measure or weighing or measuring instrument, includes the process of comparing, checking or testing such weight or measure or weighing or measuring instrument and also includes re-verification ;

(l) "weighing instrument" means any instrument used for weighing and includes scales with the weights belonging thereto, scale-beams, balances, spring balances, steel yards and other weighing machines.

CHAPTER II

STANDARD WEIGHTS AND MEASURES.

3. Working standards.—(1) For the purpose of verifying the correctness of commercial weights and measures and weighing and measuring instruments used in transactions for trade or commerce, the State Government shall cause to be prepared such number of authenticated sets of standard weights and measures as it may think fit to be working standards, and special sets of working standards in relation to bullion and precious stones may also be prepared.

(2) The working standards shall be made of such material and according to such designs and specifications and shall be prepared by such agency and shall be stamped and authenticated by such person or authority and in such manner as may be prescribed.

(3) The working standards shall be kept by such officers as the State Government may direct at such places, and in such manner as may be prescribed.

(4) A working standard shall be verified with the secondary standard and marked by such persons, at such places, at such intervals and in such manner as may be prescribed:

Provided that a special working standard in relation to bullion and precious stones shall be verified with the reference standard.

(5) A working standard which is not so verified and marked within the prescribed period shall not be deemed legal or be used for the purposes of this Act.

(6) A working standard which has become defective shall not be deemed legal or be used for the purposes of this Act, until it has been verified and marked in the prescribed manner.

4. Secondary standards.—(1) For the purpose of verifying the correctness of the working standards, the State Government may cause to be prepared at the Mint, such number of authenticated sets of standard weights and measures as they may think fit. Such sets shall be called the secondary standards.

(2) The secondary standards shall be made of such material and according to such design and specifications as may be prescribed and shall be stamped and authenticated by such person or authority as the Central Government may direct.

(3) The secondary standards shall be kept by such officers, as the State Government may direct, at such places, and in such manner as may be prescribed.

(4) A secondary standard shall be verified with the reference standard at least once in every period of five years and shall be marked with the date of verification in the prescribed manner by such person or authority as the State Government may direct.

(5) A secondary standard which is not so verified and marked within the aforesaid period shall not be deemed legal and shall not be used for the purposes of this Act.

5. Reference Standards.—The reference standards shall be kept by such officers, at such places, and in such manner as the State Government may direct.

6. Standard weighing and measuring instruments.—(1) For the purpose of verifying the correctness of commercial weights and

measures and of weighing and measuring instruments used in transactions for trade or commerce, the State Government may cause to be prepared as many sets of weighing and measuring instruments as it may deem necessary.

(2) Such instruments shall be of such kind, kept in such number and shall be verified and stamped in such manner as may be prescribed.

(3) Such instruments shall be kept at all places where secondary standards or working standards are kept.

7. Prohibition of use of weights and measures other than standard weights and measures.—(1) Notwithstanding anything contained in any other law or any custom, usage or practice, no unit of mass or measure, other than the standard weights or measures shall be used in any transactions for trade or commerce or any dealing or contract or for any work to be done or goods to be sold or delivered in any area or class of goods or undertakings in respect of which this Act has come into force.

(2) Any custom, usage, practice or method of whatever nature which permits in any trade, a trader, seller or buyer to demand, receive or cause to be demanded or received any quantity of article in excess of, or less than, the quantity fixed by the weight or measure by which the contract or dealing in respect of the said article has been made, shall be void.

(3) Any transaction, dealing or contract, had or made after the expiry of three months from the commencement of this Act shall, in so far as it contravenes the provisions of sub-section (1), be void.

8. Power to prescribe the use of weights only, or measures only, in certain cases.—Notwithstanding anything contained in this Act, the State Government may, by notification in the official Gazette, direct that in any specified trade or class of trades, no transaction, dealing or contract shall be made or had except by weight only, or except by measure only, and such notification shall take effect in such area, with effect from such date, and subject to such conditions, if any, as may be specified therein.

CHAPTER III.

VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES.

9. Marking of denominations on weights and measures.—Every weight or measure manufactured for use as commercial weight or

measure shall bear the description which it purports to be, marked legibly on it in such manner as may be prescribed.

10. Prohibition of sale of unstamped weights and measures.—No commercial weight or measure or weighing or measuring instrument shall be sold or delivered unless it has been verified or reverified in accordance with the rules made under this Act and stamped in the prescribed manner by an Inspector with a stamp of verification under this Act.

11. Prohibition of use of unstamped weights or measures.—No weight or measure or weighing or measuring instrument shall be used in transactions in trade or commerce unless it has been verified or reverified in accordance with the rules made under this Act and stamped in the prescribed manner by an Inspector, with a stamp of verification under this Act.

12. Power of State Government to exempt.—Where the size of a commercial weight or measure renders it impracticable to have any denomination marked on it under the provisions of section 9 or to be stamped under the provisions of section 10 or section 11, the State Government may, by notification in the official Gazette, exempt such weights or measures from being so stamped.

13. Prohibition against manufacture, etc., of weights and measures without licence.—No person shall, in course of any trade, manufacture, repair or sell any commercial weight or measure or any weighing or measuring instrument, unless he has obtained in the prescribed manner a licence in this behalf from the State Government or such officer as the State Government may authorise in this behalf.

14. Marking of weights or measures on sealed containers.—No person shall sell, offer for sale, expose for sale, or have in his possession for sale, any article contained in a sealed package or container unless such package or container bears thereon, or on a label securely attached thereto, a description of the net weight or measure of the article contained therein:

Provided that the provisions of this section shall not apply to an article sold, offered for sale, exposed for sale, or in possession for sale which is not ordinarily sold in transactions for trade or commerce by weight or measure.

15. Appointment of Controller, Assistant Controller and Inspectors.—(1) The State Government may appoint a Controller of Weights and Measures for the State and as many Deputy Controllers.

Assistant Controllers and Inspectors of Weights and Measures as may be necessary for exercising the powers and discharging the duties conferred or imposed on them by or under this Act.

(2) The State Government may, by general or special order define the local limits within which each Inspector shall exercise the powers and discharge the duties conferred or imposed on Inspectors by or under this Act.

(3) Subject to the provisions of this Act, all Deputy Controllers, Assistant Controllers and Inspectors of Weights and Measures shall perform their functions under the general superintendence and control of the Controller; and the Controller, Deputy Controllers and the Assistant Controllers of Weights and Measures may, in addition to the powers and duties conferred or imposed on them by or under this Act, exercise any power or discharge any duty so conferred or imposed on Inspectors.

(4) The Controller, every Deputy Controller, every Assistant Controller and every Inspector of Weights and Measures, appointed under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

16. Verification and stamping by Inspectors.—(1) Every Inspector shall, for the purpose of verification of weights and measures and weighing and measuring instruments, attend at such place and time within his jurisdiction as may be appointed in this behalf by the Controller.

(2) The Inspector shall verify every weight or measure or weighing or measuring instrument which is brought to him for the purpose of verification and if he finds such weight or measure or weighing or measuring instrument to be correct and in conformity with the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956), and the rules made thereunder, he shall stamp the same with a stamp of verification in the prescribed manner.

17. Power to inspect, etc.—(1) An Inspector may, within the area under his jurisdiction, inspect at all reasonable times, the weights, measures and weighing and measuring instruments which are used in transactions for trade or commerce or are in the possession of any person or are on any premises for such use and may verify every such weight or measure or weighing or measuring instrument with a secondary or working standard or weighing or measuring instrument prescribed for the purpose.

(2) For the purpose of verifying the correctness of any weight or measure used in any transaction, an Inspector may also verify the weight or measure of any article sold or delivered in the course of the transaction.

(3) An Inspector may, at all reasonable times, require any trader or any employee or agent of a trader to produce before him for inspection, all weights and measures and weighing and measuring instruments which are used by him or are in his possession or are kept on any premises used for trade and all documents and records relating thereto and such trader, employee or agent shall comply with such requirements.

(4) An Inspector may seize and detain any weight or measure or weighing or measuring instrument in respect of which an offence under this Act appears to have been committed or which appears to have been or which might be used in the commission of such an offence, and may also seize and detain any articles sold or delivered or caused to be sold or delivered by means of such weight or measure or weighing or measuring instrument together with any documents or records relating thereto.

(5) Where an Inspector has reasons to believe that a sealed package or container does not actually contain the net weight or measure of the article which it purports to contain, he may break open the sealed package or container and verify its contents; and if, on such verification, the net weight or measure of the article is found to be correct, he shall reseal the package or container where it is possible so to do without injury to the contents thereof and attach a certificate thereto stating the correct weight or measure of the article, but if, on the other hand, the net weight or measure of the article is found to be incorrect, he may seize and detain the package or container and the article contained therein.

(6) For the purpose of inspection under this section, an Inspector may, at all reasonable times, enter into any place where weights, measures or weighing or measuring instruments are used or kept for use in transactions for trade or commerce and inspect such weights and measures and weighing and measuring instruments.

18. Inspector not to be maker, adjuster or seller of weights and measures or weighing or measuring instruments.—An Inspector shall not be employed in the making, adjusting or selling of weights or measures or weighing or measuring instruments :

Provided that in any area in which it appears to the State Government desirable that an Inspector should be allowed to adjust or sell weights or measures, or weighing or measuring instruments, the State Government may, if it thinks fit, authorise such Inspector to adjust or sell weights, measures, or such instruments accordingly.

19. Manufacturers, etc. to maintain records and documents.—(1) Every manufacturer, repairer or dealer in weights and measures or weighing or measuring instruments, and every person using them in transactions for trade or commerce shall maintain such records and accounts as may be prescribed and if required to do so by an Inspector, shall produce such records and accounts before him.

(2) Notwithstanding anything contained in sub-section (1), if the State Government is of opinion that having regard to the nature of business carried on by such manufacturer, repairer or dealer, it is necessary so to do, it may, by order, exempt such person or class of persons from the operation of that sub-section.

20. Appeals.—(1) Any person aggrieved by any decision of an Inspector under this Act may, within sixty days from the date of the decision, prefer an appeal to the Controller, or any Deputy Controller, or any Assistant Controller of Weights and Measures specially authorised in this behalf by the State Government.

(2) Any person aggrieved by any original decision of the Controller or a Deputy Controller, or an Assistant Controller of Weights and Measures under this Act, may within sixty days from the date of the decision, prefer an appeal to the State Government.

(3) On receipt of an appeal under sub-section (1) or (2), the appellate authority shall, after giving the person concerned a reasonable opportunity of being heard, decide the appeal and the decision of the appellate authority shall be final.

21. Levy of fees.—The State Government shall charge such fees—

(*a*) for the grant of a licence under section 13, for the manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments ; and

(*b*) for the verification, marking, stamping and adjustment of commercial weights and measures and weighing and measuring instruments ;

as may be prescribed.

22. Validity of weights and measures duly stamped.—A weight or measure or weighing or measuring instrument, duly stamped by an Inspector under this Act, shall be a legal weight or measure or weighing or measuring instrument in all places in which this Act has come into force unless it is found to be false or defective and shall not be liable to be re-stamped by reason merely of the fact that it is used in any place other than that in which it was originally stamped.

CHAPTER IV.

PENALTIES.

23. Penalty for sale or delivery by weight or measure other than standard weight or measure.—Whoever, after the expiry of three months from the commencement of this section, sells or causes to be sold or delivers or causes to be delivered in the course of any transaction for trade or commerce any article by any denomination of weight or measure other than one of the standard weights or measures shall, on conviction, be punished with a fine which may extend to two thousand rupees and for every succeeding offence, with imprisonment for a period which may extend to three months and with fine.

24. Penalty for sale of unstamped weights and measures.—Whoever sells or delivers any weight or measure or any weighing or measuring instrument which has not been verified or re-verified or stamped in accordance with the provisions of this Act and the rules made thereunder shall, on conviction, be punished with fine which may extend to one thousand rupees.

25. Penalty for use of unstamped weights and measures.—Whoever uses in any transaction for trade or commerce, or has in possession for such use, any weight or measure or any weighing or measuring instrument which has not been verified or re-verified or stamped in accordance with the provisions of this Act and the rules made thereunder shall, on conviction, be punished for a first offence with fine which may extend to one thousand rupees, and for every succeeding offence, with imprisonment for a period which may extend to three months and with fine.

Explanation 1.—When any such weight or measure or weighing or measuring instrument is found in the possession of any trader or any employee or agent of such trader, such trader, employee or agent shall be presumed, until the contrary is proved, to have had it in his possession for use in transactions for trade or commerce.

Explanation 2.—Where any weight or measure or weighing or measuring instrument is used or possessed in contravention of this section by any employee or agent of a trader on behalf of such a trader, such trader shall, unless he proves that the offence under this section was committed by his employee or agent without his knowledge or consent, be also deemed to be guilty of such offence.

26. Penalty for manufacture of weights, etc., without licence.—If any person manufactures, repairs, or sells any weight or measure or weighing or measuring instrument, without obtaining a licence as

required by section 13, shall, on conviction, be punished with imprisonment for a period which may extend to three months, or with fine, or with both.

27. Penalty for use of weight or measure in contravention of section 8.—Whoever contravenes any of the provisions of a notification issued under section 8 shall, on conviction, be punished with fine which may extend to one thousand rupees.

28. Penalty for failure to mark weight or measure on sealed containers.—Whoever contravenes the provisions of section 14 shall, on conviction, be punished with fine which may extend to one thousand rupees.

29. Penalty for fraudulent use of weights, measures, etc.—Whoever fraudulently uses any standard weight or measure or weighing or measuring instrument which he knows to be false, shall, on conviction, be punished with imprisonment for a period which may extend to one year, or with fine or with both.

30. Penalty for being in possession of false weight or measure, etc.—Whoever is in possession of any commercial weight or measure or weighing or measuring instrument which he knows to be false, intending that the same may be fraudulently used, shall, on conviction be punished, with imprisonment for a period which may extend to one year, or with fine or with both.

31. Penalty for making or for selling false weight or measure, etc.—Whoever makes, sells or disposes of or causes to be made, sold or disposed of any standard weight or measure or weighing or measuring instrument which he knows to be false, in order that the same may be used as true, or knowing that the same is likely to be used as true, shall, on conviction, be punished with imprisonment for a period which may extend to one year, or with fine or with both.

32. Penalty for giving short weight or measure.—Whoever in selling any article by weight or measure, delivers or causes to be delivered to the purchaser less than what is purported to be sold shall, if the deficiency exceeds the prescribed limit of error, on conviction, be punished with fine which may extend to three hundred rupees.

33. Penalty for forging, etc., of weights, measures, etc.—(1) Whoever forges or counterfeits any stamp used under this Act for the stamping of any standard weight or measure or weighing or measuring instrument or possesses any such counterfeit stamp, or removes

a stamp from any standard weight or measure or weighing or measuring instrument and inserts the same into another weight or measure or weighing or measuring instrument or wilfully increases or diminishes a weight or measure so stamped, shall, on conviction be punished with imprisonment for a period which may extend to one year, or with fine, or with both.

(2) Whoever knowingly uses, sells, utters, disposes of or exposes for sale any weight or measure or weighing or measuring instrument with such forged or counterfeit stamp thereon, or a weight or a measure so increased or diminished, shall, on conviction be punished with imprisonment for a period which may extend to six months or with fine, or with both.

34. Penalty for neglect or refusal to produce weight or measure, etc., for inspection.—Whoever—

(*a*) refuses or neglects to produce for inspection under section 17, any weight or measure or weighing or measuring instrument or any document or record relating thereto in his possession or on his premises, or

(*b*) refuses to permit an Inspector to inspect and verify any such weight, measure, instrument, document or record; or

(*c*) obstructs the entry of an Inspector under section 17, or

(*d*) otherwise obstructs or hinders an Inspector in the performance of his duties under this Act,

shall, on conviction, be punished with fine which may extend to five hundred rupees.

35. Penalty for breach of duty by inspector.—If an Inspector knowingly stamps a weight or measure or weighing or measuring instrument in contravention of the provisions of this Act, or of the rules made thereunder, he shall, on conviction, be punished with imprisonment for a period which may extend to one year, or with fine, or with both.

CHAPTER V.

MISCELLANEOUS.

36. Protection of persons acting in good faith.—No officer or servant of the State Government shall be liable in respect of any act in any civil or criminal proceeding if the act was done in good faith, in the course of the execution of duties or the discharge of the functions imposed by or under the Act.

37. Cognizance of offences, etc.—(1) No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by the Controller or any officer authorised in this behalf by the Controller by general or special order.

(2) No court inferior to that of a Magistrate of the First Class shall try any offence punishable under this Act.

38. Stamped weights, etc., to be presumed to be correct.—A weight or measure or weighing or measuring instrument duly stamped under the provisions of this Act and the rules made thereunder shall be presumed to be correct until its inaccuracy is proved, if it is produced in any court by any Inspector having charge thereof or by any person acting under the general or special authority of the Controller.

39. Offences by companies.—(1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in-charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation :—For the purposes of this section :—

(*a*) "company" means any body corporate and includes a firm or other association of individuals ; and

(*b*) "director", in relation to a firm, means a partner in the firm.

40. Delegation of powers.—The State Government may, by notification in the official Gazette, direct that any power exercisable by it under this Act or rules made thereunder shall, in relation to

such matters and subject to such conditions, as may be specified in the direction be exercisable also by such officer or authority subordinate to the State Government as may be specified in the notification:

Provided that nothing contained in this section shall apply to any power of the State Government to make rules under this Act.

41. Limits of error to be tolerated in weights and measures.—Subject to any rules that may be made under the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956) in this behalf, the State Government may prescribe the limits of error which may be tolerated—

(*a*) in secondary standards referred to in section 4;

(*b*) in working standards referred to in section 3;

(*c*) in commercial weights and measures or in selling articles by weight or measure generally or as regards any trade or class of trades; and

(*d*) weighing and measuring instruments.

42. Power to make rules.—(1) The State Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the material of which and the designs and specifications according to which working standards may be made, the agency by which such standards may be prepared, the person by whom or the authority by which and manner in which such standards may be stamped and authenticated; the places at which and the custody and manner in which such standards may be kept;

(*b*) the procedure for the verification or re-verification and marking of working standards, the persons by whom, the places at which and the intervals at which, they may be marked;

(*c*) the material of which and the designs and specifications according to which secondary standards may be made, the places at which and the custody and manner in which such standards may be kept;

(*d*) the procedure for the verification or re-verification and marking of secondary standards and the manner in which they may be marked;

(*e*) the number of weighing and measuring instruments to be kept, the manner in which they may be verified and stamped and necessary particulars regarding the same;

(*f*) the manner in which commercial weights and measures may be marked by manufacturers;

(*g*) the form and manner in which, and the conditions subject to which licence may be granted to persons for manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments;

(*h*) the qualifications, functions and duties generally of Inspectors under this Act;

(*i*) verification and stamping of weights and measures and weighing and measuring instruments and the period within which they are to be re-verified;

(*j*) inspection of weights and measures and weighing and measuring instruments used in transactions for trade or commerce;

(*k*) the seizure, detention and disposal of weights and measures which are not authorised by this Act;

(*l*) the books, accounts and records relating to weights and measures and weighing and measuring instruments to be maintained and the manner in which they may be maintained or produced;

(*m*) the limits of error which may be tolerated in secondary or working standards;

(*n*) the limits of error which may be tolerated in weights and measures and weighing and measuring instruments used or intended to be used in transactions for trade or commerce;

(*o*) the limits of error which may be tolerated in selling articles by weight or measure generally or as regards any trade or class of trades;

(*p*) the form and manner in which appeals may be preferred under section 20, and the procedure for hearing appeals;

(*q*) the fees which may be charged for the grant of licences under section 13 and for verification, re-verification, adjustment and stamping of weights and measures and weighing and measuring instruments and the collection and levy of the same;

(*r*) any other matter which has to be, or may be, prescribed.

(3) In making any rule under this section, the State Government may provide that a breach thereof shall be punishable with fine which may extend to five hundred rupees.

(4) The power to make rules under this section shall be subject to the condition of previous publication in the official Gazette.

43. Rules and orders to be laid before the State Legislature.—Every notification issued under section 8 or section 12 and every rule made under section 42 shall as soon as may be after it is issued, be laid before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of the said period, either House of the State Legislature makes any modification in the notification or rule, or directs that the notification or rule shall not have effect and if the modification or direction is agreed to by the other House, the notification or rule shall thereafter have effect only in such modified form or be of no effect, as the case may be.

44. Repeal and savings.—(1) On the coming into force of this Act, 1958 or any part thereof in any area or areas—

the Bombay Weights and Measures Act, 1932 (Bombay Act XV of 1932), as in force in the Bombay Area; the Coorg Weights and Measures Act, 1954 (Coorg Act VII of 1954) as in force in the Coorg District; the Hyderabad Weights and Measures Act, 1356F (Hyderabad Act XIV of 1356 Fasli) as in force in the Hyderabad Area; the Madras Weights and Measures Act, 1948 (Madras Act XXII of 1948) as in force in the Madras Area; the Madras Weights and Measures Act, 1948 (Madras Act XXII of 1948) as in force in the Bellary District; the Mysore Measures of Length Act, 1890 (Mysore Act III of 1890) and the Mysore Weights and Measures Act, 1902 (Mysore Act III of 1902) as in force in the Mysore Area, shall, to the extent to which they contain any provision which corresponds to any provision of this Act, stand repealed in such area or areas:

Provided that such repeal shall not affect—

(*a*) the previous operation of the said enactments or anything duly done or suffered thereunder; or

(*b*) any right, privilege, obligation or liability acquired accrued or incurred under the said enactments; or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said enactments; or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that all appointments made, notifications and notices issued, rules, bye-laws and orders made, contracts entered into under any repealed enactments shall, so far as they are not inconsistent with the provisions of this Act and the Rules, continue in force and be deemed to have been made, issued and entered into under this Act.

(2) If, immediately before the commencement of this Act or any provision thereof in respect of any area or class of goods or undertakings, there is in force in respect of that area or class of goods or undertakings, any law which corresponds to this Act or to any provision thereof and which is not repealed by sub-section (1), that corresponding law shall stand repealed.

The Bill has been passed by both Houses of the Legislature.

V. Venkatappa
Chairman,
Legislative Council.

Dated 5th December 1958.

I reserve this Bill for the consideration of the President.

Jaya Chamaraja Wad
GOVERNOR OF MYSORE.

Dated the 18th December 1958.

I assent to this Bill.

Rajendra Prasad
President.

Dated 14th January, 1959.

Issued
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GOVERNMENT OF MYSORE

LAW DEPARTMENT.

NOTIFICATION.

Order No. ~~A. L.~~ LAW 43 LGN 58 /~~Legis.~~ *Bangalore, Dated* the 19th ~~19th~~ January 1959

Ordered that the Mysore Weights and Measures (Enforcement) Act, 1958

which received the assent of the ~~Governor~~ President, on the Fourteenth day of January 1959, be published as Mysore Act No. 2 of 1959, in the *Mysore Gazette* for general information.

(x x x)

Secretary-to-Government,
Law-Department.

To

1 The Compiler, *Mysore Gazette*, for publication in Part IV, Section 2-B of ~~the next issue~~ of the Gazette in English and Kannada and for supply of spare copies in English and Kannada as per standing orders and also for supplying 25 copies to Law Dept

Pted the nd January 59

Section 5.

2 The Kannada Translator to Govt

WD 1934—GPB—1,000- 8-2-57

MYSORE ACT NO 2 of 1959

(First published in the Mysore Gazette on the Twenty-second Day of January 1959)

THE MYSORE WEIGHTS AND MEASURES (ENFORCEMENT) ACT ~~BILL~~, 1958.

(Received the assent of the President on the Fourteenth Day of January 1959)

An Act ~~A Bill~~ to provide for the enforcement of standard weights and measures and for matters connected therewith.

WHEREAS it is expedient to provide for the enforcement of standard weights and measures and for matters connected therewith;

BE it enacted by the Mysore State Legislature in the Ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY.

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Weights and Measures (Enforcement) Act, 1958.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint; and different dates may be appointed for different provisions of this Act or for different areas or for different classes of undertakings or for different classes of goods.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) "commercial weight or measure" means a weight or measure purporting to be a standard weight or measure used in any transactions for trade or commerce;

(b) "Controller" means the Controller of Weights and Measures appointed under section 15;

(c) "Inspector" means an Inspector of Weights and Measures appointed under section 15;

(d) "measuring instrument" means any measuring instrument other than a weighing instrument and includes any instrument for the measurement of length, area, volume or capacity;

(e) "Mint" means the mint of the Central Government either in Bombay or in Calcutta;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "standard weight or measure" means any unit of mass or measure referred to in sub-section (1) of section 13 of the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956) and includes any other weight or measure permitted to be continued to be used by the Central Government in pursuance of sub-section (1) of section 14 of the said Act ;

(h) "reference standards" means the sets of standard weights and measures supplied to the State Government by the Central Government in pursuance of sub-section (2) of section 15 of the Standards of Weights and Measures Act, 1956;

(i) "Rules" means rules made under section 42 ;

(j) "stamping" includes casting, engraving, etching, branding or otherwise marking in such manner as to be, so far as practicable, indelible and the expression "stamp" and other expressions relating thereto shall be construed accordingly ;

(k) "verification" with its grammatical variations used with reference to a weight or measure or weighing or measuring instrument, includes the process of comparing, checking or testing such weight or measure or weighing or measuring instrument and also includes re-verification ;

(l) "weighing instrument" means any instrument used for weighing and includes scales with the weights belonging thereto, scale-beams, balances, spring balances, steel yards and other weighing machines.

CHAPTER II

STANDARD WEIGHTS AND MEASURES.

3. Working standards.—(1) For the purpose of verifying the correctness of commercial weights and measures and weighing and measuring instruments used in transactions for trade or commerce, the State Government shall cause to be prepared such number of authenticated sets of standard weights and measures as it may think fit to be working standards, and special sets of working standards in relation to bullion and precious stones may also be prepared.

(2) The working standards shall be made of such material and according to such designs and specifications and shall be prepared by such agency and shall be stamped and authenticated by such person or authority and in such manner as may be prescribed.

(3) The working standards shall be kept by such officers as the State Government may direct at such places, and in such manner as may be prescribed.

(4) A working standard shall be verified with the secondary standard and marked by such persons, at such places, at such intervals and in such manner as may be prescribed:

Provided that a special working standard in relation to bullion and precious stones shall be verified with the reference standard.

(5) A working standard which is not so verified and marked within the prescribed period shall not be deemed legal or be used for the purposes of this Act.

(6) A working standard which has become defective shall not be deemed legal or be used for the purposes of this Act, until it has been verified and marked in the prescribed manner.

4. Secondary standards.—(1) For the purpose of verifying the correctness of the working standards, the State Government may cause to be prepared at the Mint, such number of authenticated sets of standard weights and measures as they may think fit. Such sets shall be called the secondary standards.

(2) The secondary standards shall be made of such material and according to such design and specifications as may be prescribed and shall be stamped and authenticated by such person or authority as the Central Government may direct.

(3) The secondary standards shall be kept by such officers, as the State Government may direct, at such places, and in such manner as may be prescribed.

(4) A secondary standard shall be verified with the reference standard at least once in every period of five years and shall be marked with the date of verification in the prescribed manner by such person or authority as the State Government may direct.

(5) A secondary standard which is not so verified and marked within the aforesaid period shall not be deemed legal and shall not be used for the purposes of this Act.

5. Reference Standards.—The reference standards shall be kept by such officers, at such places, and in such manner as the State Government may direct.

6. Standard weighing and measuring instruments.—(1) For the purpose of verifying the correctness of commercial weights and

measures and of weighing and measuring instruments used in transactions for trade or commerce, the State Government may cause to be prepared as many sets of weighing and measuring instruments as it may deem necessary.

(2) Such instruments shall be of such kind, kept in such number and shall be verified and stamped in such manner as may be prescribed.

(3) Such instruments shall be kept at all places where secondary standards or working standards are kept.

7. Prohibition of use of weights and measures other than standard weights and measures.—(1) Notwithstanding anything contained in any other law or any custom, usage or practice, no unit of mass or measure, other than the standard weights or measures shall be used in any transactions for trade or commerce or any dealing or contract or for any work to be done or goods to be sold or delivered in any area or class of goods or undertakings in respect of which this Act has come into force.

(2) Any custom, usage, practice or method of whatever nature which permits in any trade, a trader, seller or buyer to demand, receive or cause to be demanded or received any quantity of article in excess of, or less than, the quantity fixed by the weight or measure by which the contract or dealing in respect of the said article has been made, shall be void.

(3) Any transaction, dealing or contract, had or made after the expiry of three months from the commencement of this Act shall, in so far as it contravenes the provisions of sub-section (1), be void.

8. Power to prescribe the use of weights only, or measures only, in certain cases.—Notwithstanding anything contained in this Act, the State Government may, by notification in the official Gazette, direct that in any specified trade or class of trades, no transaction, dealing or contract shall be made or had except by weight only, or except by measure only, and such notification shall take effect in such area, with effect from such date, and subject to such conditions, if any, as may be specified therein.

CHAPTER III.

VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES.

9. Marking of denominations on weights and measures.—Every weight or measure manufactured for use as commercial weight or

measure shall bear the description which it purports to be, marked legibly on it in such manner as may be prescribed.

10. Prohibition of sale of unstamped weights and measures.—No commercial weight or measure or weighing or measuring instrument shall be sold or delivered unless it has been verified or reverified in accordance with the rules made under this Act and stamped in the prescribed manner by an Inspector with a stamp of verification under this Act.

11. Prohibition of use of unstamped weights or measures.—No weight or measure or weighing or measuring instrument shall be used in transactions in trade or commerce unless it has been verified or reverified in accordance with the rules made under this Act and stamped in the prescribed manner by an Inspector, with a stamp of verification under this Act.

12. Power of State Government to exempt.—Where the size of a commercial weight or measure renders it impracticable to have any denomination marked on it under the provisions of section 9 or to be stamped under the provisions of section 10 or section 11, the State Government may, by notification in the official Gazette, exempt such weights or measures from being so stamped.

13. Prohibition against manufacture, etc., of weights and measures without licence.—No person shall, in course of any trade, manufacture, repair or sell any commercial weight or measure or any weighing or measuring instrument, unless he has obtained in the prescribed manner a licence in this behalf from the State Government or such officer as the State Government may authorise in this behalf.

14. Marking of weights or measures on sealed containers.—No person shall sell, offer for sale, expose for sale, or have in his possession for sale, any article contained in a sealed package or container unless such package or container bears thereon, or on a label securely attached thereto, a description of the net weight or measure of the article contained therein:

Provided that the provisions of this section shall not apply to an article sold, offered for sale, exposed for sale, or in possession for sale which is not ordinarily sold in transactions for trade or commerce by weight or measure.

15. Appointment of Controller, Assistant Controller and Inspectors.—(1) The State Government may appoint a Controller of Weights and Measures for the State and as many Deputy Controllers.

Assistant Controllers and Inspectors of Weights and Measures a may be necessary for exercising the powers and discharging th duties conferred or imposed on them by or under this Act.

(2) The State Government may, by general or special orde define the local limits within which each Inspector shall exercise th powers and discharge the duties conferred or imposed on Inspector by or under this Act.

(3) Subject to the provisions of this Act, all Deputy Controllers, Assistant Controllers and Inspectors of Weight and Measures shall perform their functions under the genera superintendence and control of the Controller; and the Controller Deputy Controllers and the Assistant Controllers of Weights and Measures may, in addition to the powers and duties conferred o imposed on them by or under this Act, exercise any power or discharge any duty so conferred or imposed on Inspectors.

(4) The Controller, every Deputy Controller, every Assistant Controller and every Inspector of Weights and Measures, appointed under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

16. Verification and stamping by Inspectors.—(1) Every Inspector shall, for the purpose of verification of weights and measures and weighing and measuring instruments, attend at such place and time within his jurisdiction as may be appointed in this behalf by the Controller.

(2) The Inspector shall verify every weight or measure or weighing or measuring instrument which is brought to him for the purpose of verification and if he finds such weight or measure or weighing or measuring instrument to be correct and in conformity with the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956), and the rules made thereunder, he shall stamp the same with a stamp of verification in the prescribed manner.

17. Power to inspect, etc.—(1) An Inspector may, within the area under his jurisdiction, inspect at all reasonable times, the weights, measures and weighing and measuring instruments which are used in transactions for trade or commerce or are in the possession of any person or are on any premises for such use and may verify every such weight or measure or weighing or measuring instrument with a secondary or working standard or weighing or measuring instrument prescribed for the purpose.

(2) For the purpose of verifying the correctness of any weight or measure used in any transaction, an Inspector may also verify the weight or measure of any article sold or delivered in the course of the transaction.

(3) An Inspector may, at all reasonable times, require any trader or any employee or agent of a trader to produce before him for inspection, all weights and measures and weighing and measuring instruments which are used by him or are in his possession or are kept on any premises used for trade and all documents and records relating thereto and such trader, employee or agent shall comply with such requirements.

(4) An Inspector may seize and detain any weight or measure or weighing or measuring instrument in respect of which an offence under this Act appears to have been committed or which appears to have been or which might be used in the commission of such an offence, and may also seize and detain any articles sold or delivered or caused to be sold or delivered by means of such weight or measure or weighing or measuring instrument together with any documents or records relating thereto.

(5) Where an Inspector has reasons to believe that a sealed package or container does not actually contain the net weight or measure of the article which it purports to contain, he may break open the sealed package or container and verify its contents; and if, on such verification, the net weight or measure of the article is found to be correct, he shall reseal the package or container where it is possible so to do without injury to the contents thereof and attach a certificate thereto stating the correct weight or measure of the article, but if, on the other hand, the net weight or measure of the article is found to be incorrect, he may seize and detain the package or container and the article contained therein.

(6) For the purpose of inspection under this section, an Inspector may, at all reasonable times, enter into any place where weights, measures or weighing or measuring instruments are used or kept for use in transactions for trade or commerce and inspect such weights and measures and weighing and measuring instruments.

18. Inspector not to be maker, adjuster or seller of weights and measures or weighing or measuring instruments.—An Inspector shall not be employed in the making, adjusting or selling of weights or measures or weighing or measuring instruments :

Provided that in any area in which it appears to the State Government desirable that an Inspector should be allowed to adjust or sell weights or measures, or weighing or measuring instruments, the State Government may, if it thinks fit, authorise such Inspector to adjust or sell weights, measures, or such instruments accordingly.

19. Manufacturers, etc. to maintain records and documents.—(1) Every manufacturer, repairer or dealer in weights and measures or weighing or measuring instruments, and every person using them in transactions for trade or commerce shall maintain such records and accounts as may be prescribed and if required to do so by an Inspector, shall produce such records and accounts before him.

(2) Notwithstanding anything contained in sub-section (1), if the State Government is of opinion that having regard to the nature of business carried on by such manufacturer, repairer or dealer, it is necessary so to do, it may, by order, exempt such person or class of persons from the operation of that sub-section.

20. Appeals.—(1) Any person aggrieved by any decision of an Inspector under this Act may, within sixty days from the date of the decision, prefer an appeal to the Controller, or any Deputy Controller, or any Assistant Controller of Weights and Measures specially authorised in this behalf by the State Government.

(2) Any person aggrieved by any original decision of the Controller or a Deputy Controller, or an Assistant Controller of Weights and Measures under this Act, may within sixty days from the date of the decision, prefer an appeal to the State Government.

(3) On receipt of an appeal under sub-section (1) or (2), the appellate authority shall, after giving the person concerned a reasonable opportunity of being heard, decide the appeal and the decision of the appellate authority shall be final.

21. Levy of fees.—The State Government shall charge such fees—

(*a*) for the grant of a licence under section 13, for the manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments; and

(*b*) for the verification, marking, stamping and adjustment of commercial weights and measures and weighing and measuring instruments;

as may be prescribed.

22. Validity of weights and measures duly stamped.—A weight or measure or weighing or measuring instrument, duly stamped by an Inspector under this Act, shall be a legal weight or measure or weighing or measuring instrument in all places in which this Act has come into force unless it is found to be false or defective and shall not be liable to be re-stamped by reason merely of the fact that it is used in any place other than that in which it was originally stamped.

CHAPTER IV.

PENALTIES.

23. Penalty for sale or delivery by weight or measure other than standard weight or measure.—Whoever, after the expiry of three months from the commencement of this section, sells or causes to be sold or delivers or causes to be delivered in the course of any transaction for trade or commerce any article by any denomination of weight or measure other than one of the standard weights or measures shall, on conviction, be punished with a fine which may extend to two thousand rupees and for every succeeding offence, with imprisonment for a period which may extend to three months and with fine.

24. Penalty for sale of unstamped weights and measures.—Whoever sells or delivers any weight or measure or any weighing or measuring instrument which has not been verified or re-verified or stamped in accordance with the provisions of this Act and the rules made thereunder shall, on conviction, be punished with fine which may extend to one thousand rupees.

25. Penalty for use of unstamped weights and measures.—Whoever uses in any transaction for trade or commerce, or has in possession for such use, any weight or measure or any weighing or measuring instrument which has not been verified or re-verified or stamped in accordance with the provisions of this Act and the rules made thereunder shall, on conviction, be punished for a first offence with fine which may extend to one thousand rupees, and for every succeeding offence, with imprisonment for a period which may extend to three months and with fine.

Explanation 1.—When any such weight or measure or weighing or measuring instrument is found in the possession of any trader or any employee or agent of such trader, such trader, employee or agent shall be presumed, until the contrary is proved, to have had it in his possession for use in transactions for trade or commerce.

Explanation 2.—Where any weight or measure or weighing or measuring instrument is used or possessed in contravention of this section by any employee or agent of a trader on behalf of such a trader, such trader shall, unless he proves that the offence under this section was committed by his employee or agent without his knowledge or consent, be also deemed to be guilty of such offence.

26. Penalty for manufacture of weights, etc., without licence.—If any person manufactures, repairs, or sells any weight or measure or weighing or measuring instrument, without obtaining a licence as

required by section 13, shall, on conviction, be punished with imprisonment for a period which may extend to three months, or with fine, or with both.

27. Penalty for use of weight or measure in contravention of section 8.—Whoever contravenes any of the provisions of a notification issued under section 8 shall, on conviction, be punished with fine which may extend to one thousand rupees.

28. Penalty for failure to mark weight or measure on sealed containers.—Whoever contravenes the provisions of section 14 shall, on conviction, be punished with fine which may extend to one thousand rupees.

29. Penalty for fraudulent use of weights, measures, etc.—Whoever fraudulently uses any standard weight or measure or weighing or measuring instrument which he knows to be false, shall, on conviction, be punished with imprisonment for a period which may extend to one year, or with fine or with both.

30. Penalty for being in possession of false weight or measure, etc.—Whoever is in possession of any commercial weight or measure or weighing or measuring instrument which he knows to be false, intending that the same may be fraudulently used, shall, on conviction be punished, with imprisonment for a period which may extend to one year, or with fine or with both.

31. Penalty for making or for selling false weight or measure, etc.—Whoever makes, sells or disposes of or causes to be made, sold or disposed of any standard weight or measure or weighing or measuring instrument which he knows to be false, in order that the same may be used as true, or knowing that the same is likely to be used as true, shall, on conviction, be punished with imprisonment for a period which may extend to one year, or with fine or with both.

32. Penalty for giving short weight or measure.—Whoever in selling any article by weight or measure, delivers or causes to be delivered to the purchaser less than what is purported to be sold shall, if the deficiency exceeds the prescribed limit of error, on conviction, be punished with fine which may extend to three hundred rupees.

33. Penalty for forging, etc., of weights, measures, etc.—(1) Whoever forges or counterfeits any stamp used under this Act for the stamping of any standard weight or measure or weighing or measuring instrument or possesses any such counterfeit stamp, or removes

a stamp from any standard weight or measure or weighing or measuring instrument and inserts the same into another weight or measure or weighing or measuring instrument or wilfully increases or diminishes a weight or measure so stamped, shall, on conviction be punished with imprisonment for a period which may extend to one year, or with fine, or with both.

(2) Whoever knowingly uses, sells, utters, disposes of or exposes for sale any weight or measure or weighing or measuring instrument with such forged or counterfeit stamp thereon, or a weight or a measure so increased or diminished, shall, on conviction be punished with imprisonment for a period which may extend to six months or with fine, or with both.

34. Penalty for neglect or refusal to produce weight or measure, etc., for inspection.—Whoever—

(*a*) refuses or neglects to produce for inspection under section 17, any weight or measure or weighing or measuring instrument or any document or record relating thereto in his possession or on his premises, or

(*b*) refuses to permit an Inspector to inspect and verify any such weight, measure, instrument, document or record; or

(*c*) obstructs the entry of an Inspector under section 17, or

(*d*) otherwise obstructs or hinders an Inspector in the performance of his duties under this Act,

shall, on conviction, be punished with fine which may extend to five hundred rupees.

35. Penalty for breach of duty by inspector.—If an Inspector knowingly stamps a weight or measure or weighing or measuring instrument in contravention of the provisions of this Act, or of the rules made thereunder, he shall, on conviction, be punished with imprisonment for a period which may extend to one year, or with fine, or with both.

CHAPTER V.

MISCELLANEOUS.

36. Protection of persons acting in good faith.—No officer or servant of the State Government shall be liable in respect of any act in any civil or criminal proceeding if the act was done in good faith, in the course of the execution of duties or the discharge of the functions imposed by or under the Act.

37. Cognizance of offences, etc.—(1) No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by the Controller or any officer authorised in this behalf by the Controller by general or special order.

(2) No court inferior to that of a Magistrate of the First Class shall try any offence punishable under this Act.

38. Stamped weights, etc., to be presumed to be correct.—A weight or measure or weighing or measuring instrument duly stamped under the provisions of this Act and the rules made thereunder shall be presumed to be correct until its inaccuracy is proved, if it is produced in any court by any Inspector having charge thereof or by any person acting under the general or special authority of the Controller.

39. Offences by companies.—(1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in-charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation :—For the purposes of this section :—

(*a*) "company" means any body corporate and includes a firm or other association of individuals ; and

(*b*) "director", in relation to a firm, means a partner in the firm.

40. Delegation of powers.—The State Government may, by notification in the official Gazette, direct that any power exercisable by it under this Act or rules made thereunder shall, in relation to

such matters and subject to such conditions, as may be specified in the direction be exercisable also by such officer or authority subordinate to the State Government as may be specified in the notification:

Provided that nothing contained in this section shall apply to any power of the State Government to make rules under this Act.

41. Limits of error to be tolerated in weights and measures.—Subject to any rules that may be made under the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956) in this behalf, the State Government may prescribe the limits of error which may be tolerated—

(*a*) in secondary standards referred to in section 4;

(*b*) in working standards referred to in section 3;

(*c*) in commercial weights and measures or in selling articles by weight or measure generally or as regards any trade or class of trades; and

(*d*) weighing and measuring instruments.

42. Power to make rules.—(1) The State Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the material of which and the designs and specifications according to which working standards may be made, the agency by which such standards may be prepared, the person by whom or the authority by which and manner in which such standards may be stamped and authenticated; the places at which and the custody and manner in which such standards may be kept;

(*b*) the procedure for the verification or re-verification and marking of working standards; the persons by whom, the places at which and the intervals at which, they may be marked;

(*c*) the material of which and the designs and specifications according to which secondary standards may be made, the places at which and the custody and manner in which such standards may be kept;

(*d*) the procedure for the verification or re-verification and marking of secondary standards and the manner in which they may be marked;

(*e*) the number of weighing and measuring instruments to be kept, the manner in which they may be verified and stamped and necessary particulars regarding the same;

(*f*) the manner in which commercial weights and measures may be marked by manufacturers;

(*g*) the form and manner in which, and the conditions subject to which licence may be granted to persons for manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments;

(*h*) the qualifications, functions and duties generally of Inspectors under this Act;

(*i*) verification and stamping of weights and measures and weighing and measuring instruments and the period within which they are to be re-verified;

(*j*) inspection of weights and measures and weighing and measuring instruments used in transactions for trade or commerce;

(*k*) the seizure, detention and disposal of weights and measures which are not authorised by this Act;

(*l*) the books, accounts and records relating to weights and measures and weighing and measuring instruments to be maintained and the manner in which they may be maintained or produced;

(*m*) the limits of error which may be tolerated in secondary or working standards;

(*n*) the limits of error which may be tolerated in weights and measures and weighing and measuring instruments used or intended to be used in transactions for trade or commerce;

(*o*) the limits of error which may be tolerated in selling articles by weight or measure generally or as regards any trade or class of trades;

(*p*) the form and manner in which appeals may be preferred under section 20, and the procedure for hearing appeals;

(*q*) the fees which may be charged for the grant of licences under section 13 and for verification, re-verification, adjustment and stamping of weights and measures and weighing and measuring instruments and the collection and levy of the same;

(*r*) any other matter which has to be, or may be, prescribed.

(3) In making any rule under this section, the State Government may provide that a breach thereof shall be punishable with fine which may extend to five hundred rupees.

(4) The power to make rules under this section shall be subject to the condition of previous publication in the official Gazette.

43. Rules and orders to be laid before the State Legislature.—Every notification issued under section 8 or section 12 and every rule made under section 42 shall as soon as may be after it is issued, be laid before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of the said period, either House of the State Legislature makes any modification in the notification or rule, or directs that the notification or rule shall not have effect and if the modification or direction is agreed to by the other House, the notification or rule shall thereafter have effect only in such modified form or be of no effect, as the case may be.

44. Repeal and savings.—(1) On the coming into force of this Act, 1958 or any part thereof in any area or areas—

the Bombay Weights and Measures Act, 1932 (Bombay Act XV of 1932), as in force in the Bombay Area; the Coorg Weights and Measures Act, 1954 (Coorg Act VII of 1954) as in force in the Coorg District; the Hyderabad Weights and Measures Act, 1356F (Hyderabad Act XIV of 1356 Fasli) as in force in the Hyderabad Area; the Madras Weights and Measures Act, 1948 (Madras Act XXII of 1948) as in force in the Madras Area; the Madras Weights and Measures Act, 1948 (Madras Act XXII of 1948) as in force in the Bellary District; the Mysore Measures of Length Act, 1890 (Mysore Act III of 1890) and the Mysore Weights and Measures Act, 1902 (Mysore Act III of 1902) as in force in the Mysore Area, shall, to the extent to which they contain any provision which corresponds to any provision of this Act, stand repealed in such area or areas:

Provided that such repeal shall not affect—

(*a*) the previous operation of the said enactments or anything duly done or suffered thereunder; or

(*b*) any right, privilege, obligation or liability acquired accrued or incurred under the said enactments; or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said enactments; or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that all appointments made, notifications and notices issued, rules, bye-laws and orders made, contracts entered into under any repealed enactments shall, so far as they are not inconsistent with the provisions of this Act and the Rules, continue in force and be deemed to have been made, issued and entered into under this Act.

(2) If, immediately before the commencement of this Act or any provision thereof in respect of any area or class of goods or undertakings, there is in force in respect of that area or class of goods or undertakings, any law which corresponds to this Act or to any provision thereof and which is not repealed by sub-section (1), that corresponding law shall stand repealed.

~~*The Bill has been passed by both Houses of the Legislature.*~~

~~*Chairman,*~~
~~*Legislative Council.*~~

~~*Dated*~~ ..... *December* ~~*1958.*~~

By order and in the name of
the Governor of Mysore

Vasudev

Secretary to Govt.
Law Deptt.

19/1

LOW 43 LG/VSS dt 22nd Jan. 59

To
The Secy. to the Governor of Mysore
The palace,
Mysore.

Sir,

Subject – The Mysore Weights and Measures (Enforcement) Bill, 1958

I am directed to acknowledge the receipt of the authentic copy of the Mysore Weights and Measures (Enforcement) Bill, 1958 assented to by the President sent with your letter No. A4/34-6/5885 dated the 20th January, 1959.

MMR
22/1 R.S.
Law
Secy
21/1/59

GOVERNMENT OF MYSORE

No. LAW43LGN58

Mysore Government Secretariat,
VIDHANA SOUDHA,

Dated, Bangalore, 22nd Janr. 1959.

FROM

The *Secretary to the Government of Mysore,*
Law Department.

To

The Secretary to the Governor of Mysore
The Palace,
Mysore.

Sir,

Subject:- The Mysore Weights and Measures (Enforcement) Bill, 1958.

- - -

I am directed to acknowledge the receipt of the authentic copy of the Mysore Weights and Measures (Enforcement) Bill, 1958 assented to by the President sent with your letter No. A4/34-6/58-59 [redacted] the 20th January, 1959.

Yours faithfully,

(M.L. Ramaswami)
Under Secretary to Government,
Law Department.

GOVERNMENT OF MYSORE

Mysore Government Secretariat,

No. LAW43LGN58

*Bangalore, dated....*12th Jan *1959*.

~~OFFICE MEMORANDUM~~

NOTIFICATION.

Ordered that the Mysore Weights and Measures (Enforcement) Act, 1958 which received the assent of the President on the Fourteenth day of January, 1959, be published as Mysore Act No. 2 of 1959 in the Mysore Gazette for general information.

By Order and in the name of the
Governor of Mysore,

Sd/-, R.P. Vasudeo,
Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV Section 2-B of the Gazette dated the 22nd January, 1959 in English and Kannada and for supply of spare copies in English and Kannada as per standing orders and also for supplying 25 copies to Law Department, Section V.

The Kannada Translator to Government.

"C O P Y"

M.Ramaswami
(M.L. Ramaswami) 22/1
Under Secretary to Government,
Law Department.

Issued
NS
24/1

LAW 43 LGN 58 dt 24th Jan. 59.

To
The Secretary,
Mysore Legislature,
Bangalore

Sir,

Subject- The Mysore weights o
Measures (Enforcemen
Act, 1958 (Mysore Act
No. 2 of 1959).

I am directed to state that the Mysore weights and Measures (Enforcement) ~~Bill~~ Act, 1958 received the assent of the president on the 14th January 1959 and that it has been published in part IV section 2-E of the Mysore Gazette dated the 22nd January, 1959 as Mysore Act No. 2 of 1959.

Y. F.

U.S.
Law.
23/1/59

GOVERNMENT OF MYSORE
T.3244
5 OCT 1957

No. 291-SMC/57/1
Government of India
Ministry of Commerce & Industry
(Standing Metric Committee)
.....

New Delhi, dated the 16th October '57.

WMA 57
OCT 1957
284
CO-OPERATION BRANCH

From

Shri P.N. Nayar,
Secretary,
Standing Metric Committee.

MYSORE GOVT. SECRETARIAT
No. 1
23 OCT 1957
406
COMMERCE & INDUSTRIES DEPTT.

To

All State Governments.

Subject:- ADOPTION OF THE METRIC SYSTEM - ENACTMENT OF LEGISLATION FOR ENFORCEMENT OF WEIGHTS & MEASURES.

Sir,

The Standards of Weights and Measures Act, 1956 which was passed by Parliament last year, only lays down Standards of Weights and Measures. These Standards are to be enforced with the aid of laws to be enacted by State Legislatures. A draft Model Bill for the enforcement of weights and measures was circulated to State Governments and also considered at the Conference of representatives of Central and State Governments held in Delhi on 20th and 22nd July, 1957. It was then decided that the draft should be revised in the light of the discussions at the Conference. A copy of the revised draft Bill is enclosed.

2. It is proposed to bring the Standards of Weights and Measures Act, 1956 into force in specified fields in 1958. This would require the enactment of complementary legislation for enforcement of weights and measures by the States. It is requested, therefore, that the draft Bill be given immediate consideration by the State Government and introduced in the State Legislature during its next Session. It is essential that legislation should be enacted well in advance of the proposed date for the introduction of the metric system in the country, viz 1.4.1958.

3. Copies of the draft Rules it is proposed to make under the Standards of Weights and Measures Act, 1956 and a draft Notification on Secondary Units to be issued under Section 12 of the Act are also enclosed for comments. Both the drafts were revised in the light of the discussions at the last Conference. The State Government's comments may be sent by 1st November.

Yours faithfully,

Mysore

THE WEIGHTS AND MEASURES (ENFORCEMENT) BILL, 1957.

:o provide for the enforcement of standard weights and measures and for matters connected therew.

CHAPTER - I

PRELIMINARY

1. (1) This Act may be called the Mysore Weights and Measures (Enforcement) Act, 1957.

(2) It extends to the whole of the State

(3) It shall come into force on such date the State Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act or for different areas or for different classes of undertakings or for different classes of goods.

this Act, unless the context other-
tres,

ommercial weight or measure means
weight or measure purporting to be a
tandard weight or measure used in any
ransactions for trade or commerce;
'Controller" means the Controller of
Weights and Measures appointed under
ection 14;

'Inspector" means an Inspector of Weights
and Measures appointed under Section 12;
measuring instrument" means any measuring
instrument other than a weighing instrume
and includes any instrument for measuring
length, area volume or capacity;

"Mint" means the mint of the Centr
Government either in Bombay or in
Calcutta;

"prescribed" means prescribed by

"Standard weight or measure" mean
unit of mass or measure referred
sub-section (1) of section 13 of
Standards of Weights and Measures
1956, includes any other weight
permitted to be used by the Centr
ment in pursuance of sub-section
section 14 of the said Act;

reference standards" means the se
standard weights and measures sup
the State Government by the Centr
Government in pursuance of sub-se
2) of section 13 of the Standards
Weights and Measures Act, 1956;

stamping" means marking in such me
s to be so far as practicable, in
nd includes casting, engraving, e
nd branding;

erification" with its grammatical
sed with reference to a weight or
eighing or measuring instrument,
he process of comparing, checking
uch weight or measure or weighing
nstrument and also includes re-v
eighing instrument" means any in
or weighing and includes scales
eights belonging thereto, scale-b
alances, spring balances, steel
ther weighing machines.

CHAPTER - II

STANDARD WEIGHTS AND MEASURES

3. (1) For the purpose of verifying the correctness of commercial weights and measures and weighing and mea instruments used in transactions for trade or commerce, the State Government may cause to be prepared as many sets of authenticated standard weights and measures as it may deem necessary to be called the working standards, and special sets of working standards in relation to bullion and precious stones may also be pre

(2) The working standards shall be made of such material and according to such designs and specificatio and shall be prepared by such agency and shall be stamp and authenticated by such person or authority and in such manner as may be prescribed.

(3) The working standards shall be kept at such places, in such custody and in such manner as may be prescribed.

(4) A working standard shall be verified with the secondary standard and marked by such persons, at such places, at such intervals and in such manner as may be prescribed:

Provided that a special working standard in relation to bullion and precious stones shall be verified with the reference standard.

(5) A working standard which is not so verified and marked within the prescribed period shall not be deemed legal or be used for the purposes of this Act.

(6) A working standard which has become defective shall not be deemed legal or be used for the purposes of this Act, until it has been verified and marked in the prescribed manner.

5. (1) For the purpose of verifying the correctness of the working standards, the State Government may cause to be prepared at the Mint as many sets of authenticated standard weights and measures as it may deem necessary to be called the secondary standards.

(2) The secondary standards shall be made of such material and according to such design and specifications as may be prescribed and shall be stamped and authenticated by such person or authority as the Central Government may direct.

(3) The secondary standards shall be kept at such places, in such custody and in such manner as may be prescribed.

(4) A secondary standard shall be verified with the reference standard at least once in every period of five years and shall be marked with the date of verification in the prescribed manner by such person or authority as the State Government may direct.

(5) A secondary standard which is not so verified and marked within the aforesaid period shall not be deemed legal and shall not be used for the purposes of this Act.

5. The reference standards shall be kept at such places, in such custody and in such manner as the State Government may direct.

6.(1) For the purpose of verifying the correctn of commercial weights and measures and of weigh and measuring instruments used in transactions for trade or commerce, the State Government may cause to be prepared as many sets of weighing and measuring instruments as it may deem necess

(2) Such instruments shall be of such kind, kept in such number and shall be verified and stamped in such manner as may be prescribed.

(3) Such instruments shall be kept at all places where secondary standard or working standa are kept.

7. (1) Notwithstanding anything contained in any other law or any custom usage or practice, no unit of mass or measure, other than the standard weight or measures shall be used in any transactions for trade or commerce or any dealing or contract or for any work to be done or goods to be sold or delivered in any area or class of goods by undertakings in respect of which this Act has come into force.

(2) Any custom, usage, practice or method of whatever nature which permits in any trade a trader seller or buyer to demand, receive or cause to be demanded or received any quantity of article in excess of, or less than, the quantity fixed by the weight or measure by which the contract or dealing in respect of the said article has

VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES.

9. Every weight or measure manufactured for use as a commercial weight or measure shall bear the description of the weight or measure which i purports to be, marked legibly on it, in such mann as may be prescribed.

10. No commercial weight or measure or weighin or measuring instrument shall be sold or deliver unless it has been verified or reverified in accordance with the rules made under this Act an stamped in the prescribed manner by an Inspector with stamp of verification, under this Act

11. No weight or measure or weighing or measuring instruments shall be used in transactions in trade or commerce unless it has been verified or reverified in accordance with the rules made under this Act and stamped in the prescribed manner by an Inspector, with a stamp of verification, under the Act

12. Where the size of a commercial weight or measure renders it impracticable to have any denomination marked on it under the provisions of section 9 or to be stamped under the provisions of section 10 or section 11, the State Government may, by notification in the Official Gazette, exempt such weights or measures from being so stamped.

. No person shall, in course of any trade, nufacture, repair or sell any commercial weig measure or any weighing or measuring instrum less he has obtained in the prescribed manner cence in this behalf from the State Governmen any officer such as the State Govt may authorise authorised by such Government.

. No person shall sell, offer for sale, pose for sale, or have in his possession for le, any article contained in a sealed package container unless such package or container ars thereon, or on a label securely attached ereto, a description of the net weight or asure of the article contained therein.

.(1) The State Government may appoint a ntroller of Weights and Measures for the Stat d as many Assistant Controllers and Inspector Weights and Measures as may be necessary r exercising the powers and discharging the ties conferred or imposed on them by or under is Act.

(2) The State Government may, by general special order, define the local limits within ich each Inspector shall exercise the powers d discharge the duties conferred or imposed Inspectors by or under this Act.

(3) Subject to the provisions of this Act, l Assistant Controllers of Weights and Measures d Inspectors shall perform their functions under e general superintendence and control of the ntroller; and the Controller and the Assistant ntrollers of Weights and Measures may, in dition to the powers and duties conferred or posed on them by or under this Act, exercise

any power or discharge any duty so conferred or imposed on Inspectors.

16. (1) Every Inspector shall, for the purpose of verification of weights and measures and weighing and measuring instruments, attend at such place and time within his jurisidiction as may be appointed in this behalf by the Controller.

(2) The Inspector shall verify every weight or measure or weighing or measuring instrument which is brought to him for the purpose of verification and if he finds such weight or measure or weighing or measuring instrument to be correct and in conformity ~~with the~~ Standards of Weights and Measures Act, 1956, and the rules made thereunder, he shall stamp the same with a stamp of verification in the prescribed manner.

17. (1) An Inspector may, within the area under his jurisdiction, inspect at all reasonable times, the weights, measures and weighing and measuring instruments which are used in transactions for trade or commerce or are in the possession of any person or are on any premises for such use and may verify every such weight or measure or weighing or measuring instrument with a secondary or working standard or weighing or measuring instrument prescribed for the purpose

(2) For the purpose of verifying the correctness of any weight or measure used in any transaction, an Inspector may also verify the weight or measure of any article sold or delivered in the course of the transaction.

(3) An Inspector may, at all reasonable times, require any trader or any employee or agent of a trader to produce before him for inspection all weights, measures, weighing and measuring instruments which are used by him or are in his possession or are kept on any premises used for trade and all documents and records relating thereto and such trader, employee or agent shall comply with such requirements.

(4) An Inspector may seize and detain any weight or measure or weighing or measuring instrument regarding which an offence under this Act appears to have been committed or which appears to have been or which might be used in the commission of such an offence, and may also seize and detain any articles sold or delivered [or caused to be sold or delivered] by means of such weight or measure or weighing or measuring instrument together with any documents or records relating thereto.

(5) Where an inspector has reasons to believe that a sealed package or container does not actually contain the net weight or measure of the article which it purports to contain, the Inspector may break open the sealed package or container and verify its contents; and if, on such verification, the net weight or measure of the article is found to be correct, the Inspector shall re-seal package or container where it is possible so to do without injury to the contents thereof and attach a certificate thereto stating the

orrect weight or measure of the article, bu
f, on the other hand, the net weight or mea
f article is found to be incorrect, the Ins
ay seize and detain the package or containe
nd the article contained therein.

(6) For the purpose of such inspection,
n Inspector may, at all reasonable times,
nter into any place where weights, measures
r weighing or measuring instruments are use
r kept for use in transactions for trade or
ommerce and inspect such weights and measur
nd weighing and measuring instruments.

8. Where it appears to the State
overnment desirable that an Inspector
hould be allowed in any area to adjust the
eights or measures or weighing or measuring
nstruments, it may, if it thinks fit, autho
uch Inspector to adjust weights and measure
r such instruments accordingly.

9. (1) Every manufacturer, repairer or
lealer in weights and measures or weighing o
measuring instruments, and every person usin
them in transactions for trade or commerce
shall maintain such records and accounts as
may be prescribed and if required so to do
by an Inspector, shall produce such records
accounts before him.

(2) Notwithstanding anything contained
sub-section (1), if the State Government is
opinion that having regard to the nature of
business carried on by any such manufacture
reparier or dealer, it is necessary so to do
it may, by order, exempt such person or clas
of persons from the operation of that sub-se

20. (1) Any person aggrieved by any decision of an Inspector under this Act may, within sixty days from the date of the decision, prefer an appeal to the Controller or any Assistant Controller of Weights and Measures specially authorised in this behalf by the State Government.

(2) On receipt of an appeal under sub-section (1), the appellate Officer shall, after giving the person concerned a reasonable opportunity of being heard, decide the appeal and the decision of the Appellate Officer shall be final.

21. The State Government ~~may~~ shall charge such fees:-

(a) for the grant of licences under section 13, for manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments, and for the verification, marking, stamping and adjustment of commercial weights and measures and weighing and measuring instruments;

as may be prescribed.

22. A weight or measure or weighing or measuring instrument, duly stamped by an Inspector under this Act, shall be a legal weight or measure or weighing or measuring instruments in all places in which this Act has come into force unless it is found to be false or defective and shall not be liable to be restamped ~~by reason merely of~~ on the ground the fact that it is used in any place other than that in which it was originally stamp

onths from the commencement of this section, elis or causes, to be sold or delivers or causes to be delivered in the course of any transaction for trade or commerce any article by any denomination of weight or measure other than one of the standard weights or measures shall be punishable, ~~for a first~~ offence, with fine which may extend to two thousand rupees, and for a second or subsequent offence, with imprisonment for a period which may be extend to three months, or with fine, ~~or with both~~.

28. Whoever sells or delivers any commercial weight or measure or any weighing or measuring instrument which has not been verified or re-verified or stamped in accordance with the provisions of this Act and the rules made thereunder shall be punishable with fine which may extend to two thousand rupees.

29. Whoever uses in any transaction for trade or commerce, or has in his possession for such use, any commercial weight or measure any weighing or measuring instrument which has been verified or re-verified or stamped in accordance with the provisions of this Act and the rules made thereunder shall be punish for a first offence, with fine which may exte to two thousand rupees, and for a second or subsequent offence, with imprisonment for a period which may extend to three months, or fine, ~~or with both~~.

Explanation I. When any such weight or measure or weighing or measuring instrument is found in the possession of any trader or any employee or agent of such trader, such trader, employee or agent shall be presumed, until the contrary is proved, to have had it in his possession for use in transactions for trade or commerce.

Explanation 2. Where any weight or measure or weighing or measuring instrument is used or possessed in contravention of this section by any employee or agent of a trader on behalf of such a trader, such trader shall, unless he proves that the offence under this section was committed by his employee or agent without his knowledge or consent, be also deemed to be guilty of the offence.

26. If any person manufactures, repairs, or sells any commercial weight or measure or weighing or measuring instrument, without obtaining a licence as required by section, 13, shall be punishable with imprisonment for a period which may extend to three months, or with fine, or with both.

27. Whoever contravenes any of the provisions of a notification issued under section 8 shall be punishable with fine which may extend to two thousand rupees.

28. Whoever contravenes the provisions of section 14 shall be punishable with fine which may extend to two thousand rupees.

standard weight or measure or weighing or measuring instrument which he knows to be shall be punishable with imprisonment for period which may extend to one year, or wi fine, or with both.

). Whoever is in possession of any mmercial weight or measure or weighing measuring instrument which he knows to false, (intending that the same may be audulently used) shall be punishable wit prisonment for a period which may extend one year, or with fine or with both.

Whoever makes, sells or disposes of causes to be made, sold or disposed any standard weight or measure or eighing or measuring instrument which e knows to be false, in order that the ame may be used as true, or knowing tha he same is likely to be used as true, hall be punishable with imprisonment for period which may extend to one year, or ith fine, or with both.

2. Whoever in selling any article by eight or measure, delivers or causes to e delivered to the purchaser less than wl s purported to be sold shall, if the def: exceeds the prescribed limit of error, be unishable with fine which may extend t undred rupees.

3. (1) Whoever forges or counterfeits ny stamp used under this Act for the

amping of any standard weight or measure or
ighing or measuring instrument or possesses
y such counterfeit stamp, or removes a
amp from any standard weight or measure or
ighing or measuring instrument and inserts
e same into another weight or measure or
ighing or measuring instrument or wilfully
creases or diminishes a weight or measure
-stamped, shall be punishable with imprisonment
r a period which may extend to one year, or
th fine, or with both.

(2) Whoever knowingly uses, sells, offers,
sposes of or exposes for sale any weight or
easure or weighing or measuring instrument
th such forged or counterfeit stamp thereon,
r a weight or a measure so increased or

(d) otherwise obstructs or hinders

an Inspector in the performanc

his duties under this Act,

conviction,

be punishable with fine which may

hundred rupees.

If an Inspector knowingly stamps a

or measure or weighing or measuring

ment in contravention of the provisions

Act or of the rules made thereunder,

l be punishable with imprisonment for

d which may extend to one year, or

ne, or with both.

38. A weight or measure or weighing or measuring instrument duly stamped under the provisions of this Act and the rules made ther under shall be presumed to be correct until its inaccuracy is proved, if this is produced any court by any Inspector having charge there or by any person acting under the general or special authority of the Controller.

39. (1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in-charge of, and was reponsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

and includes a firm or other

association of individuals; and

"director", in relation to a firm,

means a partner in the firm.

The State Government may, by notific-

n in the Official Gazette, direct that any

r exercisable by it under this Act or rule

thereunder shall, in relation to such

ters and subject to such conditions, as may

specified in the direction be exercisable a

such officer or authority subordinate to th

te Government as may be specified in the

ification

Subject to any rules that may be made

the Standards of Weights and Measures A

56, in this behalf, the State Government ma

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

the material of which and the designs and specifications according to which working standards may be made, the agency by which such standards may be prepared, the person by whom or the authority by which and the manner in which such standards may be stamped and authenticated; the places at which and the custody and manner in which such standards may be kept;

the procedure for the verification or reverification and marking of working standards, the persons by whom, the places at which and the intervals at which, they may be marked;

the material of which and the designs and specifications according to which secondary standards may be made, the places at which and the custody and manner in which such standards may be kept;

the procedure for the verification or reverification and marking of secondary standards and the manner in which they may be marked;

the number of weighing and measuring instruments to be kept, the manner in which they may be verified and stamped and necessary particulars regarding the

(f) the manner in which commercial weights and measures may be marked by manufact

(g) the form and manner in which, and the conditions subject to which licences may be granted to persons for manufact repair or sale of commercial weights d measures and weighing and measuri istruments;

e qualifications, functions and ities generally of Inspectors under is Act;

rification and stamping of weights d measures and weighing and measuri istruments and the period within whi ey are to be reverified;

spection of weights and measures an ighing and measuring instruments us transactions for trade or commerce e seizure, detention and destructio weights and measures which are not thorised by this Act;

e books, accounts and records relat weights and measures and weighing d measuring instruments to be main- ined and the manner in which they m maintained or produced;

e limits of error which may be lerated in secondary or working andards;

e limits of error which may be lerated in weights and measures and ighing and measuring instruments sed or intended to be used in transa

tions for trade or commerce;

(o) the limits of error which may be tolerated in selling articles by weight and measures generally or as regards any trade or class of trades;

(p) the form and manner in which appeal may be preferred against decisions Inspectors and the procedure for hearing appeals;

(q) the fees which may be charged for grant of licences under section 13 and for verification, reverificatio adjustment and stamping of weights measures and weighing and measuring instruments and the collection and levy of the same;

(r) Any other matter which has to be, o may be, prescribed.

(3) In making any rule under this secti the State Government may provide that a breach thereof shall be punishable with fine which ma extend to one hundred rupees.

(4), The power to make rules under this section shall be subject to the condition of previous publication in the Official Gazette.

(5) All rules made under this section sl as soon as may be, after they are made, be lai before the State legislature.

THE STANDARDS OF WEIGHTS AND MEASURES RULES, 1957.

In exercise of the powers conferred by sub-section (1) of section 17 of the Standards of Weights and Measures Act, 1956 (89 of 1956), the Central Government hereby makes the following rules:-

1. These rules may be called the Standards of Weights and Measures Rules, 1957.

In these rules, -

"Act" means the Standards of Weights and Measures Act, 1956 (89 of 1956);

Director" means the Director, National Physical Laboratory, Delhi, and includes any person authorised by him in this behalf

"International proto-types" means the proto-types declared to be the international proto-types of the metre and kilogram by the Conference Generale des poids et Measures held at Paris in 1889;

"Mint" means the Mint of the Central Government either in Bombay or in Calcutta.

"national proto-types" means the proto-types of the metre and the kilogram kept in pursuance of sub-section (2) of section 3 and sub-section (2) of section 4 of the Act;

"reference standards" means the sets of standard weights and measures specified in column 1 of the First Schedule and supplied by the Central Government to State Governments in pursuance of sub-section (2) of section 15 of the Act;

chedule" means a Schedule appended to these rules;

tandard weight or measure" means any unit of mass

isure referred to in sub-section (1) of section 13

the Act notified.

) The national proto-type of the metre shall consist

atinum-iridium bar verified and certified in terms of

ernational proto-type of the metre by the International

of Weights and Measures.

) The national proto-type of the kilogram shall

of a platinum-iridium cylinder verified and

ed in terms of the international proto-type of th

m.

) T[illegible] ne

of the National Physical Laboratory, Delhi, ar

ector shall cause them to be verified and certifi

they are deposited in the National Physical Labor

intervals of not exceeding ten years thereafter.

) Reference standards shall be prepared at the Mi

ified and certified in terms of the national prot

y the Director before they are supplied to State

ents and at intervals of not exceeding five years

ter; and a certificate of the conditions under whi

verified shall be furnished to the State Governme

) The limits of error which may be tolerated in r

ds in terms of the national proto-types shall be

ed in column 2 of the First Schedule.

) A set of reference standards verified and certi

Director shall be supplied free to each State Gov

respect of each subsequent verification, the Sta

ent shall pay transport charges and such verifica

as may be fixed by the Central Government.

5. Where a weight or measure purporting to be a stan ard weight or measures is used in any transaction for tra or commerce (herein-after in these rules) referred to as commercial weight or measure), the limits of error which may be tolerated in the commercial weights and measures, at the time of their first authentication and subsequent verification, be as specified in the Second Schedule.

6. (1) Where for the purpose of verifying the correctness of commercial weights and measures, any Stat Government prepares a set of standard weights and measur (herein-after in these rules referred to as working stan the limits of error which may be tolerated in the workin standards shall be as specified in Part I of the Third Schedule.

(2) Where for the purpose of verifying the corre of the working standards, any State Government prepares set of standard weights and measures (herein-after in th sub-rule referred to as secondary standards), the limits error which may be tolerated in the secondary standards be as specified in Part II of Third Schedule.

THE FIRST SCHEDULE

(See Rules 2 (f)

REFERENCE STANDARDS

Column 1
Denominations reference standards

THE SECOND SCHEDUL

(See Rule 5)

COMMERCIAL WEIGHTS AND MEASURES

Column 1		Column 3
Denominations of Commercial weights and measures.	Limits of error which tolerated at the time of first authentication.	Limits of error which may be tolerated at the time of subsequent verification.

THE THIRD SCHEDULE

(See Rule 6)

PART - I

WORKING STANDARDS

Column 1	Column 2
Denominations of working standar	Limits of error which may be tolerated.

PART - II

SECONDARY STANDARDS

Column 1	Column 2
Denominations of secondary standards	Limits of error which be tolerated.

DRAFT NOTIFICATION UNDER SECTION 12 OF THE STANDARDS OF WEIGHTS AND MEASURES ACT, 1956.

In exercise of the powers conferred by section 12 of the Standards of Weights and Measures Act, 1956 (89 of 1956), the Government hereby declares in relation to the primary f metre, kilogram and litre, the following units to be econdary units, namely:-

(1) The secondary units in relation to the metre:-

Micrometre	=	10^{-6}	metres
Millimetre	=	10^{-3}	metres
Centimetre	=	10^{-2}	metres
Decimetre	=	10^{-1}	metres
Dekametre	=	10	metres
Hectometre	=	10^{2}	metres
Kilometre	=	10^{3}	metres
Myriametre	=	10^{4}	metres
Megametre	=	10^{6}	metres

(2) The secondary units in relation to the kilogram.

Microgram	=	10^{-9}	Kilograms.
Milligram	=	10^{-6}	Kilograms.
Centigram	=	10^{-5}	Kilograms.
Decigram	=	10^{-4}	Kilograms
Gram	=	10^{-3}	Kilograms
Dekagram	=	10^{-2}	Kilograms
Hectogram	=	10^{-1}	Kilograms
Myriagram	=	10	Kilograms
Quintal	=	10^{2}	Kilograms
Ton	=	10^{3}	Kilograms

ıe Secondary units in relation to the litre

ıllilitre	=	10^{-3}	Litres.
ɜntilitre	=	10^{-2}	Litres.
ɜcilitre	=	10^{-1}	Litres.
ɜkalitre	=	10	Litres.
ɜctolitre	=	10^{2}	Litres.
.lolitre	=	10^{3}	Litres.

M. G. S. App. F. G. 3]

MYSORE GOVERNMENT
SECRETARIAT.

(*Continuation sheet draft form*).

Dear Sir,

In forwarding herewith a copy of the letter No. 291-SMC 55/1 dt 16.10.1955 and its enclosures ~~in original~~ received from Shri P. N. Nayar, Secy Standing Metric Committee regd the enactment of legislation on the adoption of Metric System of weights and measures in this State, I am ~~dirn~~ desired to request that your remarks on all the three dfts already kindly be forwarded by return of post. The dft memorandum and the Statement of Objects and reasons on the dft Weights and Measures Bill may also be sent along with your remarks.

The enclosures sent - no original

orders he returned with your repo

To of Priority Attention ~~are~~

may kindly be given and ~~to the~~

Sorts within 3 days ~~to~~ ~~[illegible]~~

Yours faithfully

[illegible]

R.S. Sarao

T. Siddalingadevaru, B.A.,B.L.,
Under Secretary to Government,
Agriculture and Forest Department.

Mysore Government Secretariat,
Bangalore,dated,the 30th Oct., '57

D.O. No. A&F 11 WMA57

Dear Sir,

In forwarding herewith a copy of the letter No. 2291-SMC-57/1, dated 16.10.1957 and its enclosures received from Shri P.N. Nayer, Secretary, Standing Metric Committee, regarding the enactment of legislation on the adoption of Metric System of Weights and Measures in this State, I am desired to request that your remarks on all the three drafts may kindly be forwarded by return of post. The final memorandum and the statement of objects and reasons on the draft Weights and Measures Bill may also be sent along with your remarks.

Top priority attention may kindly be given and report submitted within 3 days.

Yours sincerely,

(T. Siddalingadevaru)

Shri B.A. Patil,
M.A.,G.D.C.A.,F.R.E.S.(Lond.),
Chief Marketing Officer in Mysore,
Bangalore.

Issued 30/10

cks.

Received in pt 30.10.57 A.S./B.M.

37

Sri B.A. PATIL, M.A.,G.D.C.A.,F.R.E.S.(Ldn),
CHIEF MARKETING OFFICER.

D.O.No.M.D. 11245 -W/57-58

Office of the
Chief Marketing Officer in Mysore,
Atara Kacheri Bdgs., Bangalore,.
dated 31st October 57
1-11-1957

Dear Sri Siddalingadevaru,

424

MYSORE GOVERNMENT CONCT.
NO. 11WMA57
1 NOV 1957
7448
A. & F. DEPTT., CO-OPERATION BRANCH

Subject:- Adoption of the Metric System
Enactment of Legislation for
enforcement of Weights and
Measures --

...

p.35 c.f.

With reference to your D.O. letter No. A&F 11 WMA57 dated 30th October 57 on the above subject, I write to enclose herewith a copy of my D.O.letter No.10770 -W/57-58 dated the 23rd October 57 (p.39 c.f.) addressed to the -- Secretary Standing Metric Committee, Government of India New Delhi, furnishing my comments on the revised draft bill and to state that I have sent herewith ~~one copy~~ of Mysor weights and measures (enforcement) bill 1957 (p.4 c.f.) which has been drafted on the exact line of the draft (p.3 c.f.) forwarded by the Secretary, Standing Metric Committee, with slight additions ~~then~~ here and there together with the financial memorandum and the statement of objects and reasons on the draft bill and to request you kindly to place this bill in the State Legislature during its next session.

xxx

1/11

immediate

1/11/57

Yours sincerely,

Sri T. Siddalingadevaru, B.A., B.L.,
Under Secretary to Government,
Agriculture and Forest Departments,
B a n g a l o r e.

Ramu/

Copy of D.O. letter No.10770 -W/57-58 dated 23rd October 57 from Sri B.A. Patil, Chief Marketing Officer, Mysore, Bangalore to Sri P.N. Nayer, Secretary, Standing Metric Committee, Government of India, New Delhi.

....

Sub:- Adoption of the Metric System Enactment of Legislation for enforcement of weights and measures.

...

With reference to your letter No.291-SMC/57-2 dated the 18th October 57 on the above subject, I write to state that necessary action is being taken by the State Government for infroducing the weights and measures (enforcement) bill 1957 in State --- Legislature during its next session.

I have gone through the revised draft bill sent by you. In the said bill under chapter IV in the section 26,30,31 & 33(1)&(2) the limit of fine amount has not been mentioned. It is therefore suggested that the limitation of fine upto Rs.1,000/- may be fixed in each case.

As regards the Draft Standards of weights and measures Rules 1957 and the Draft Notification to be issued under section 12 there are not comments to offer.

...

Ramu/

for CHIEF MARKETING OFFICER.

THE WEIGHTS AND MEASURES (ENFORCEMENT) BILL. 1957

A

B I L L

to provide for the enforcement of standard weights and measures and for matters connected therewith.

Preamble: Whereas it is expedient to provide for the enforcement of standards of weights and measures Act 1956 (89 of 1956) and for the matters connected therewith it is hereby enacted as follows:-

C H A P T E R. I

PRELIMINARY

Short title, Extend and Commencement.

1. (1) This Act may be called the Mysore Weights and Measures (Enforcement) Act, 1957,

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette appoint; and different dates may be appointed for different provisions of this Act or for different areas or for different classes of undertakings or for different classes of goods.

2. In this Act, unless the context other-wise requires,-

(a) 'commercial weight or measure' means a weight or measure purporting to be a standard weight or measure used in any transactions for trade or commerce;

(b) 'Controller' means the Controller of weights and measures appointed under section 15.

(c) 'Inspector' means an Inspector of weights and measures ~~xxxxxx~~ appointed under section 15.

(d) 'measuring instruments' means any measuring instrument other than a weighing instrument and includes any instrument for ~~measuring~~ the measuring, length, area volume or capacity.

(e) 'Mint' means the mint of the Central Government either in Bombay or in Calcutta;

(f) 'prescribed' means prescribed by rules made under this Act;

'standard weight or measure' means any unit of mass or measure referred to in sub-section(i) of section 13 of the Standards of Weights and Measures Act,

1956, and includes any other weight or measure permitted to be used by the Central Government in pursuance of sub-section(1) of section 14 of the said Act;

(h) 'reference standards' means the sets of the standard weights and measures supplied to the State Government by the Central Government in pursuance of sub-section (2) of section 15 of the Standards of weights and measures Act.1956;

(i) 'stamping' means marking in such manner as to be so far as practicable, indelible and includes casting, engraving, etching and branding;

(j) 'verification' with its grammatical variations used with reference to a weight or measure or weighing or measuring instrument, includes the process of comparing, checking or testing such weight or measure or weighing or measuring instrument and also includes re-verification;

(k) 'weighing instrument' means any instrument for weighing and includes scales with the weights belonging thereto, scale-beams, balances, springs balances, steel yards and other weighing machines.

CHAPTER - II

STANDARD WEIGHTS AND MEASURES

3. (1) for the purpose of verifying the correctnes of commercial weights and measures and weighing and measuring instruments used in transactions for tr or commerce, the State Government may cause to be prepared as many sets of authenticated standard weights and measures as it may deem necessary to be called the working standards, and special sets of working standards in relation to bullion and precious stones may also be prepared.

(2) The working standards shall be made of such material and according to such designs and specifications and shall be prepared by such agency and shall be stamped and authenticated by such person or authority and in such manner as may be prescribed.

(3) The working standards shall be kept at such places, in such custody and in such manner as may be prescribed.

(4) A working standard shall be verified with the secondary standard and marked by such

persons, at such places, at such intervals and in such manner as may be prescribed;

Provided that a special working standard in relation to bullion and precious stones shall be verified with the reference standard.

(5) A working standard which is not so verified and marked within the prescribed period shall not be deemed legal or be used for the purposes of this Act.

(6) A working standard which has become defective shall not be deemed legal or be used for the purposes of this Act, until it has been verified and marked in the prescribed manner.

4 (1) for the purpose of verifying the correctness of the working standards, the State Government may cause to be prepared at the Mint as many sets of authenticated standard weights and measures as it may deem necessary ~~standards~~ to be called the Secondary Standards.

(2) The secondary standards shall be made of such material and according to such design and specifications as may be prescribed and shall be stamped and authenticated by such person or authority as the Central Government may direct.

(3) The secondary standards shall be kept at such places, in such custody and in such manner as may be prescribed.

(4) A secondary standard shall be verified with the reference standard at least once in every period of five years and shall be marked with the date of verification in the prescribed manner by such person or authority as the State Government, may direct.

(5) A secondary standard which is not so verified and marked within the aforesaid period shall not be deemed legal and shall not be used for the purposes of this Act.

5. The reference standards shall be kept at such places, in such custody and in such manner as the State Government may direct.

6. (1) For the purpose of verifying the correctness of commercial weights and measures and of weighing and measuring instruments used in transactions for trade or commerce, the State Government may cause to be

prepared as many sets of weighing and measuring instruments as it may deem necessary.

(2) Such instruments shall be of such kind, kept in such number and shall be verified and stamped in such manner as may be prescribed.

(3) Such instruments shall be kept at all places where secondary standard or working standards are kept.

7. (1) Notwithstanding anything contained in any other law or any custom usage or practice, no unit of mass or measure, other than the standard weights or measures shall be used in any transactions for trade or commerce or any dealing or contract or for any work to be done or goods to be sold or delivered in any area or class of goods or undertakings in respect of which this Act has come into force.

(2) Any custom, usage, practice or method of whatever nature which permits in any trade ~~in~~ a trader, seller or buyer to demand, receive or cause to be demanded or received any quantity of article in excess of or less than, the quantity fixed by the weight or measure by which the contract or dealing in respect of the said article has been made shall be void.

(3) Any transaction, dealing or contract made or had after the expiry of three months from the commencement of this Act shall, in so far as it contravenes the provisions of sub-section (1) be void.

8. (1) Notwithstanding anything contained in this Act, the State Government may, by notification in the Official Gazette, direct that in any specified trade or class of trades no transaction, dealing or contract shall be made or had except by weight only, or except measure only, or class and type of weighing or measuring instruments only.

(2) A notification issued under this section shall take effect in such area, with effect from such date, and subject to such conditions, if any, as may be specified therein.

CHAPTER. III

VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES.

9. Every weight or measure manufactured for use as a commercial weight or measure shall bear the description

..... contd.5

of weight or measure which it purports to be marked legibly on it in such manner as may be prescribed.

Prohibition of sale of commercial weights and measures.

10. No commercial weight or measureor weighing or measuring instrument shall be sold or delivered unless it has been verified or reverified in accordance with the rules made under this Act and stamped in the prescribed manner by an Inspector with stamp of verification.

Prohibition of use of unstamped commercial weights or measures etc.,

11. No weight or measure or weighing or measuring instruments shall be used in transactions in trade or commerce unless it has been verified or reverified in accordance with the rules made under this Act and stamped in the prescribed manner by an Inspector, with a stamp of verification.

Power of State Government to exempt

12. Where the size of a commercial weight or measure renders it impracticable to have any denomination marked on it under the provisions of section 9 or to be stamped under the provisions of section 10 or section 11, the State Government may by notification in the official Gazette, exempt such weights or measures from being so stamped.

Prohibition of manufacture etc., of weights and measures etc. without licence.

13. No person shall in course of trade, manufacture, repair or sell any commercial weight or measure or any weighing or measuring instrument unless he has obtained in the prescribed manner a licence in this behalf from the State Government or any officer authorised by such Government.

Marking of weight or measure on sealed containers.

14. No person shall sell, offer for sale, expose for sale or have in his possession for sale any article contained in a sealed package or container unless such package or container bears thereon, or on a label securely attached thereto, a description of the net weight or measure of the article contained therein.

Appointment of Controller, Assistant Controller and Inspectors.

15. (1) The State Government may appoint a Controller of weights and measures for the State and as many Assistant Controllers and Inspectors of weights and measures as may be necessary for exercising the powers and discharging the duties conferred or imposed on them by or under this Act.

(2) The State Government may, by general or special order, define the local limits within which each Inspector shall exercise the powers and discharge the duties conferred or imposed on Inspectors by or under this Act.

(3) Subject to the provisions of this Act, all Assistant Controllers of weights and measures and Inspectors shall perform their functions under the general supervision

and the controller and the Assistant Controllers and measures may, in addition to the powers and duties conferred or imposed on them by or under this Act, exerci any power or discharge any duty so conferred or imposed c Inspectors.

Verification and stamping by Inspectors.

16 (1) Every Inspector shall, for the purpose of verification of weights and measures and weighing and measuri instruments, attend at such place and time within his jur diction as may be appointed in this behalf by the Control

(2) The Inspector shall verify every weight or messu or weighing or measuring instrument which is brought to h for the purpose of verification and if he finds such weig or measure or weighing or measuring instrument correct and conformity with the stardards of weights and measures Act 1956, and the rules made thereunder, he shall stamp the s with a stamp of verification in the prescribed manner.

Central Act 89 of 1956.

Power to Inspect etc.,

17. (1) An Inspector, may, within the area under his jur diction, inspect at all reasonable times, the weights measures and weighing and measuring instruments which are used in transactions for trade or commerce or are in the possession of any person or are on any premises for such and may verify every such weight or measure or weighing c measuring instrument with a secondary or working standard or weighing or measuring instruments prescribed for the p ose.

(2) For the purpose of verifying the correctness of any weight of measure used in any transaction, an Inspect may also verify the weight or measure of any article sold or delivered in the course of the transaction.

(3) An Inspector, at all reasonable times, require any trader or any employee or agent of a trader to produce before him for inspection all weights, measures, weighing and measuring instruments which are used by him or are in his possession or are kept on any premises used for trade and all documents and records relating thereto and such trad employee or agent shall comply with such, requirements.

(4) An Inspector may seize and detain any weight or measure or weighing or measuring instrument regarding which an offence under this Act appears to have been committed or which appears to have been or which might be used in the commission of such an offence, and may also seize and detain any articles sold or delivered or caused to be sold or

or delivered by means of such weight or measure or weighing or measuring instrument together with any documents or records relating thereto.

(5) Where an Inspector has reasons to believe that a sealed package or container does not actually contain the net weight or measure of the article which it purports to contain, the Inspector may break open the sealed package or container and verify its contents, and if, on such verification, the net weight or measure of the article is found to be correct (the Inspector shall re-seal the package or Container) where it is possible so to do without injury to the contents thereof and attach a certificate thereto stating the correct weight or measure of the article, but if, on the other hand, the net weight or measure of article is found to be incorrect, the Inspector may seize and detain the package or container and article contained therein.

(6) For the purpose of such inspection, ~~an Inspection~~, an Inspector may, at all reasonable times, enter into any place where weights, measures or weighing or measuring instruments are used or kept for use in transactions for trade or commerce and inspect such weights and measures and weighing and measuring instruments.

Inspector to adjust weights or measures etc.

18. Where it appears to the State Government desirable that an Inspector should be allowed in any area to adjust the weights or measures or weighing or measuring instruments, it may, if it thinks fit, authorise such Inspector to adjust weights and measures or such instruments accordingly.

Manufacturers etc., to maintain records and documents.

19. (1) Every manufacturer, repairer or dealer in weights and measures or weighing or measuring instruments, and every person using them in transactions for trade or commerce shall maintain such records and accounts as may be prescribed and if required so to do by an Inspector shall produce such records and accounts before him.

(2) Notwithstanding anything contained in sub-section (1), if the State Government is of opinion that having regard to the nature of business carried on by any such manufacturer, repairer or dealer, ~~if~~ it is necessary so to do, it may, by order, exempt such person or class of persons from the operation of that sub-section.

20. (1) Any person aggrieved by any decision of an Inspector under this Act may, within sixty days from the date of the decision, prefer an appeal to the ~~Controller of weights and measures speci~~ .... contd 8

Controller or any Assistant Controller of weights and measures specially authorised in this behalf by the State Government.

(2) On receipt of an appeal under sub-section (1) the appellate officer shall, after giving the person concerned a reasonable opportunity of being heard, decide the appeal and the decision of the Appellate officer shall be final.

Levy of fees

21. The State Government may charge such fees :-

(a) for the grant of licences under section 13 for manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments, and

(b) for the verification, marking, stamping and adjustment of commercial weights and measures and weighing and measuring instruments;

as may be prescribed.

Validity of weights and measures etc. duly stamped.

22. A weight or measure or weighing or measuring instrument duly stamped by an Inspector under this Act, shall be a legal weight or measure or weighing or measuring instruments in all places in which this Act has come into force unless it is found to be false or defective and shall not be liable to be restamped by reason merely of the fact that it is used in any place other than that in which it was originally stamped.

CHAPTER - IV.

PENALTIES

Penalty for sale or delivery by weight or measure other than standard weight or measure.

23. Whoever, after the expiry of three months from the commencement of this section, sells or causes to be sold or delivers or causes to be delivered in the course of any transaction for trade or commerce any article by any denomination of weight or measure other than one of the standard weights or measures shall be punishable, for a first offence, with fine which may extend to two thousand rupees, and for a second or subsequent offence, with imprisonment for a period which may be extend to three months, or with fine or with both.

Penalty for sale of unstamped commercial weights and measures etc.

24. Whoever sells or delivers any commercial weight or measure or any weighing or measuring instrument which has not been verified or reverified or stamped in accordance with the provisions of this Act and the rules made thereunder shall be punishable with fine which may

extend to two thousand rupees.

Penalty for use of unstamped commercial weights and measures etc.

25. Whoever uses in any transaction for trade or commerce or has in his possession for such use, any commercial weight or measure or any weighing or measuring instruments which has not been verified or re-verified or stamped in accordance with the provisions of this Act and the rules made thereunder shall be punishable for a first offence, with fine which may extend to two thousand rupees, and for a second or subsequent offence, with imprisonment for a period which may extend to three months, or with fine, or with both.

Explanation -1. When any such weight or measure or weighing or measuring instrument is found in the possession of any trader or any employee or agent of such trader, Such trader employee or agent shall be presumed, until the contrary is proved, to have had it in his possession for use in transactions for trade or commerce.

Explanation 2: Where any weight or measure or weighing or measuring instrument is used or possessed in contravention of this section by any employee or agent of a trader on behalf of such a trader, such trader shall, unless he proves that the offence under this section was committed by his employee or agent without his knowledge or consent, be also deemed to be guilty of the offence.

Penalty for manufacture of weights etc. without licence.

26. If any person manufactures, repairs, or sells any commercial weight or measure or weighing or measuring instrument, without obtaining a licence as required by section 13 shall be punishable with imprisonment for a period which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

Penalty for use of weight or measure etc. in contravention of section 8.

27. Whoever contravenes any of the provisions of a notification issued under section 8 shall be punishable with fine which may extend to two thousand rupees.

Penalty for failure to mark weight or measure on sealed containers.

28. Whoever contravenes the provisions of section 14 shall be punishable with fine which may extend to two thousand rupees.

Penalty for fraudulent use of weights, measures, etc.

29. Whoever fraudulently uses any standard weight or measure or weighing or measuring instruments which he knows to be false shall be punishable with imprisonment for a period which may extend to one

one year, or with fine, which may extend to one rupees, or with both.

Penalty for being in possession of false weight or measure etc.

30. Whoever is in possession of any commercial weig or measure or weighing or measuring instrument which l knows to be false, intending that the same may be fraudulently used, shall be punishable with imprisonm for a period which may extend to one year or with fin which may extend to one thousand rupees or with both.

Penalty for making or selling false weight or measure etc.

31. Whoever makes, sells or disposes of or causes to be made, sold or disposed of any standard weight o measure or weighing or measuring instrument which he to be false, in order that the same may be used as tr or knowing thatthe same is likely to be used as true, shall be punishable with imprisonment for a period wh may extend to one year, or with fine which may extend o one thousand rupees or with both.

Penalty for giving short weight or measure.

2. Whoever in selling any article by weight or mea delivers or causes to be delivered to the purchaser l than what is purported to be sold shall, if the deficiency exceeds the prescribed limit of error, be punishable with fine which may extend to three hundred rupees.

Penalty for forging etc. of weights , measures etc.

33. (1) Whoever forges or conterfeits any stamp used under this Act for the stamping of any standard weight or measure or weighing or measuring instrument or possesses any such counterfeit stamp, or removes a stamp from ny standard weight or measure or weighing or measuring instrument and inserts the same into another weight or measure or weighing or measuring instrument or wilfully increases or diminishes a weight or measure so stamped shall be punishable with imprisonment for a period which may extend to one year or with fine, which may extend to one thousand rupees or with both.

(2) Whoever knowingly uses, sells, disposes of or exposes for sale any weight or measure or weighing or measuring instrument with such forged or counterfeit stamp thereon, or a weight or a measure so increased or deminished shall be punishable with imprisonment for a period which may extend to six months or with fine which may ex-tend to one thousand repees or with both.

y for negl- fusal to e weight sure etc. spection.

34. Whoever :-

(a.) refuses or neglects to produce for inspection under section 17 , any weight or measure or weighing or measuring instrument or document or record thereto in his possession or on his premises, or

contd.11

(b) refused to permit an Inspector to inspect and verify any such weight, measure, instrument, document or record or

(c) obstructs the entry of an Inspector under section 17 or,

(d) otherwise obstructs or hinders an Inspector in the performance of his duties under this Act,

shall be punishable with fine which may extend to five hundred rupees.

Penalty for breach of duty by Inspector.

35. If an Inspector knowingly stamps a weight or measure or weighing or measuring instrument in contravention of ~~of~~ the provisions of this Act or of the rules made thereunder, he shall be punishable with imprisonment for a period which may extend to one year, or with fine which may extend to one thousand rupees or with both.

CHAPTER. V

MISCELLANEOUS

Protection of action taken in good faith.

36. No suit, prosecution or other legal proceeding shall lie a gainst the Controller, or any Assistant Controller of weights and measures or any Inspector or any other person appointed under this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or rules made thereunder.

Cognizance of offences etc.,

37. (1) No court shall take/cognizance of an offence punishable under this Act except upon complaint in writing made by the Controller or any officer authori-se in this behalf by the controller by general or special order.

(2) No ~~The~~ court inferior to that of a presidency magistrate or a magistrate of first class shall try an offecne punishable under this act.

Stamped weights etc., to be presumed to be correct.

38. A weight or measure or weighing or measuring instrument duly stamped under the provisions of this Act and the rules made thereunder shall be presumed to be correct until its inaccuracy is proved, if this is produced in any court by any Inspector having charge the or by any person acting under the general or special authority of the Controller.

~~39. A weight or measure or weighing or measuring instrument duly stamped under the provision~~

39 (1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committeed, was in-charge of the and was responsible to, the company for the conduct of the business of the company as well as the company , shall be deemed to be guilty of the offence and shallbe liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the offence was committedwithout his knowledge or that he exercised all due deligance to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglet on the part of , any director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded againt and punished accordingly.

Explanation :- For the purpose of this section :-

(a) 'company' means any body corporate and includes a firm or other association of individuals; and

(b) 'director' in relation to a firm, means a partner in the firm.

40. The State Government may, by notification in the official Gazette direct that any power exercisable by it under this Act or rules made thereunder shall, in relation to such matters and subject to such conditions, as may be specified in the direction be exercisable also by such officer or authority subordinate to the State Government as may be specified in the notification.

41. Subject to any rules that may be made under the Standards of weights and measures Act, 1956 in this behalf, the State Government may prescribe the limits of error which may be tolerated .

(a) in secondary standards referred to in section.4

(b) in working standards referred to in section 3

(c) in commercial weights and measures or in selling articles by weight or measure generally or as regards any trade or class of trades; and

d) weighing and measuring instruments.

42.(1) The enactments specified in the Schedule shall to the extent to which they contain any provision which corresponds to any provision of this Act, stand repealed.

(2) If immediately before the commencement of this Act or any provision thereof in respect of any provision thereof in respect of any area or class of goods or undertakings, there is in force in respect of that area or class of goods or undertakings any law which corresponds to this Act or to any provision thereof and which is not repealed by sub-section (1) that corresponding law shall stand repealed.

Provided that :-

(i) the said repeal shall not affect the validity of anything already done under the repealed enactments;

(ii) All appointments made, notifications and notic issued, rules, bye-laws and orders made, contracts entered into and suits and other proceedings instituted under any repealed enactment shall, so far as they are not inconsistent with the provisions of this Act, and the rules continue in force and be deemed to have been made, issued entered into and instituted under this Act.

43. (1) The State Government, may, by notification in the Official Gazette, make rules to carry out the purpose of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:-

(a) the material of which and the designs and specifications according to which working standard may be made, the agency by which such standards may be prepared, the person by whom or the authority by which and the manner in which such standards may be stamped and authenticated. the places at which and the custody and manner in which such standards may be kept;

(b) the procedure for the verification or reverification and marking of working standards, the persons by whom, the places at which and the intervals at which they may be marked;

(c) the material of which and the designs and specifications according to which secondary standards may be made, the places at which and the custody and manner in which such standards may be kept;

(d) the procedure for the verification or re-verification and marking of secondary standards and the manner in which they may be marked.

(e) the number of weighing and measuring instruments to be kept, the manner in which they may be verified and stamped and necessary particulars regarding the same;

(f) the manner in which commercial weights and measures may be marked by manufacturers,

(g) the form and manner in which, and the conditions subject to which licences may be granted to persons for manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments;

(h) the qualifications, functions and duties generally of Inspectors under this Act;

(i) verification and stamping of weights and measures and weighing and measureing instruments and the period within which they are to be reverified;

(j) inspection of weights and measures and weighing and measuring instruments used in transactions for trade or commerce.

(k) the seizure, detention and destruction of weights and measures which are not authorised by this Act;,

(l) the books, accounts and records relating to weights and measures and weighing and measuring instruments to be maintained and the manner in which they may be maintained or produced;

(m) the limits of error which may be tolerated in secondary or working standards;

(n) the limits of error which may be tolerated in weights and measures and weighing and measuring instruments used or intended to be

used in transactions for trade or commerce;

(o) the limits or error which may be tolerated in selling articles by weight and measures generally or as regards any trade or class of trades;

(p) the form and manner in which appeals may be preferred against decisions of Inspectors and the procedure for hearing appeals;

(q) ~~xxxxxxxxxxxxxx~~ the fees which may be charged for the grant of licences under section 13 and for verification feverification, adjustment and stamping of weights and measures and weighing and measuring instruments and the collection and levy of the same.

(r) any other matter which has to be, or may be prescribed;

(3) In making any rule under this section the State Government may ~~xxx~~ provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees;

(4) the power to make rules under this section shall be subject to the condition of previous publication in the official Gazette;

(5) All rules made under this section shall, as soon as may be, after they are made, be laid before the State Legislature.

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Bertar

Chief Marketing Officer.

S C H E D U L E

(see section 42)

ENACTMENT REPEALED

No. and year of Act	Title	Extent of Repealed.
1) Mysore Act III of 1902 as amended by Mysore Acts. IX of 192 7 and XLIX of 1943.	The Mysore Weigh and measures Act 1902.	The whole Act
2) Bombay Act No.XV of 1932	The Bombay weights and measures Act 1932 as in force in Bombay Karnatak are	-do-
3) Hyderabad Act No.XIV of 1356 fasli	The Hyderabad Dn., weights and measures Act 1356 F as in forc in Hyderabad Karnatak area	-do-
4) Coorg Act No.I of 1931	The Coorg weights and measures, Act 1931	-do-
Madras Act XXII of 1948	The Madras weights and measures Act 1948 as in force in Bellary an South Kanara Districts	-do-
6) Central Act XI 1925	The cotton ~~gixxxxx~~ ginning and pressing Factories Act 1925.	Section 6 and clause (c) of section 12.
7) Mysore Act VII of 1933	The Mysore City Municipality Act 1933.	Clause (e) of sub-section (1) of sectior 51 and section 173.
8) Mysore Act ~~LXIX~~ LXII ~~of~~ of 1951	The Mysore Town Municipality Act 1951	Clause (e) sub-sectio (1) of sec 48 and sec 156.

9) Any other Act which has not been covered in this schedule and which relates to the use of weights and measures and weighing and measuring instruments.

If we examine the prevalent system of weights and measures in our country we find a great lot of diversity. At present over 150 different weights and measures are in use in different parts of the country nd the maund varies in weight from 280 to8320 tolas. The weights and sures will not only vieries from place to place it varies in the same place from commodity to commodi Though it cannot satisfactorily explain the reason for these variations it cannot but be said that this chaotic diversity used in our daily life is a source of terrible confusion. Apart from --- creating this confusion it is also a big obstacle planned and quick development of the country. To the ignorant it is a curse and to the exploiter it provides a great scope for exploitation through unscrupulous methods. Thus, the necessity for a n system of weights and measures for a ~~contry~~ Country cannot be over emphasized. Considering of all these aspe the Central Government have decided to introduced the Metric System of Weights and Measures througho the Country, which has considerable advantages of simplicity from the point of view of mass educatio The Standards of weights and measures Act 1956 pre the Metric Standards has already been passed by th Parliament. Thus establishing the uniform standar of weights and measures throughout the country, the enforcement of these standards is rests with Governme

In the enlarged Mysore State there are five different weights and measures Acts are in force i different areas. Therefore there is no uniformity in the use of weights and measures in the State. State Government has reviewed the great diversity weights and measures now in use in the State and fe that to facilitate the national and international trade nd to put an end to the colossal loss in ti and energy that diversity causes, the weights and measures now in use in the State should be standardise and adopted the Metric System. Hence the Bill

and integral multiples and sub-multiples thereof for use in the State;

(ii) Testing and custody of reference secondary and working standards;

(iii) Verification and stamping of weights, measures, weighing and measuring instruments, and

(iv) appointment of Inspectors enjoined with certain jurisdiction powers and duties, including power of seize false weights or measures etc.,

.....

FINANCIAL MEMORANDUM

To implement the proposed legislation a sum of Rs.4,31,460/- recurring would be required. As noted below a sum of Rs.10,57,400 will be required as non-recurring expenditure.

NON RECURRING

1) Reference standards	...	Rs.36,500
2) Secondary standards	...	1.50,000
3) Working Standards	...	7,50,000
4) Tools, Furniture, Typewriter and other equipments for weights and measures office.	...	95,900
5) Publicity	...	25,000
		10,57,400 (10,57,40

It is expected that the receipts from fees levied under the Act will not only cover the recurrig expenditure, ~~there~~ but also it will be an additional revenue to Government.

Chief Marketing Officer.

Statement No.6 (continued

	1st year	
20. Extra cost for conveyance allowance to the Technical Assistant, Senior Inspectors, Inspectors, and Manual Assistants at Rs.75/- 25/-, 15/-, and 10/- per mont respectively.	12,000	
21. Contingencies including offic rent and supply of uniforms a purchase of punches etc.,	15,000	
	1,95,996	2

SCHEME FOR THE DEVELOPMENT OF WEIGHTS AND MEASURES IN THE STATE

Recurring Expenditure ... Rs.4,31,460/-

Details of Recurring expenditure.

'A' HEAD OFFICE:

Estimates - Head office

1) One Asstt. Director of weights and measures in grade Rs. 300-25-550-30-700-40-820

2) One Marketing Officer in grade Rs.200-20-400

3) Two 1st Division clerks in grade Rs.75-5-90-6-150-10-180

4) Two 2nd division clerks in grade Rs.55-3-70-4-110-5-120

5) One 1st grade stenotypist in grade Rs.75-5-100-8-140-10-250

6) One Inspector of weights and measures in grade Rs.70-5-90-6-150(for Asstt. Director)

7) One Manual assistant in grade Rs.40-1-50-2-80

8) One office Attender in grade Rs.30-1-40

9) One Attender in grade 25-½-35 (for inspector)

10) Two Peons in grade 25-½-35 (one for Asstt. Director and one for office)

11) D.A. for the above staff

12) T.A. for the officers and Inspectors

13) Conveyance allowance for the Asstt. Director at Rs.75/- per month

14) Contingencies

EXISTING STAFF IN WEIGHTS AND MEASURES SECTION.

(A) Permanent.

Executive staff:

1) One Assistant Director of weights and measures.

2) Two Senior Inspectors of weights and measures.

3) Seventeen Inspectors of weights and measures.

4) Three Senior Industries Inspectors.

5) Eleven Junior ~~Inspector~~ - Do -

6) Nineteen Manual Assistants.

7) Thirteen Attenders.

8) Nineteen Peons.

Ministerial staff.

9) One II Dn. Clerk.

.0) One III Dn. "

.1) One III Dn. Typist.

.2) One Watch man.

(B) Temporary staff.

1) Four Senior Inspectors. 2) Nine Inspectors. 3) 29 Manual Assistants. 4) 13 Peons.	For a period of one year from 8th August 1957.
5) One Marketing Officer. 6) One I Dn. Clerk. 7) One II Dn. Clerk. 8) One II ~~Dn~~ Grade Typist.	For a period of one year from 22nd March 1957. Proposal ha been submitted for renewal by by the Chief Marketing Office
9) Two Inspectors of W & M. 10) Two Attenders 11) One II Grade Typist.	For a period of one year from 9th January 1958.
12) Three Inspectors. 13) Three Manual Assistant. 14) Three Peons.	For a period of one year from 30th March 1957. A proposal by the Chief Marketing Officer has already been sent for renewal

No.M.D.13890-W/57-58
Encl: 6

Office of the Chief Marketing Officer in Mysore, Atara Kacheri Bdgs., Bangalore.
Dated 21/23rd December 1957

To

The Secretary to the Government of Mysore,
Agriculture and Forest Departments, Bangalore.

Sir,

Sub:- Reorganisation of the Weights and Measures Section of the Marketing Department for the introduction of the Metric system under the Second Five Year Plan.

In pursuance of the decisions arrived at the meeting of the Secretaries to Government, Agriculture and Forest, Education, Commerce and Industries, Principal Information Officer and Joint Secretary to Government of India, Commerce and Industries Department and Secretary, Standing Metric Committee, Government of India, New Delhi held under the Chairmanship of the Chief Secretary to Government on 18th December 1957, I write to forward herewith revised proposals for the reorganisation of weights and measures section for the introduction of Metric System in the State.

A. Proposals for the recurring expenditure.

The present set up of the weights and measures section in different areas of the New Mysore State is as follows:-

The Chief Marketing Officer is the administrative authority of the several weights and measures Acts in force in the New State.

assistted at Headquarters by one Assistant Director of Weights and Measures and one Marketing Officer for weights and measures. This post of the Marketing Officer for weights and measures has been sanctioned by Government recently and has yet to be filled up.

Old Mysore State. There are two Senior Inspectors of Weights and Measures on Rs.100-8-140-10-180 and 14 Inspectors of weights and measures on Rs.75-5-90-6-150 in the Old Mysore State. They are assisted by 16 Attenders of weights and mea-

The above Inspectors of weights and measures are having their headquarters at Bangalore, Mysore, Mandya, Nanjangud, Kolar, Davangere and Shimoga. The work of these Inspectors of weights and measures is to visit all shandies and markets in their jurisdiction and to check and stamp the weights and measures with the help of the Attenders and to launch prosecutions.

The two Senior Inspectors of weights and measures are having their headquarters at Bangalore and they are also attenting to stamping work in addition to the supervision of the work of Inspectors of weights and measures at Bangalore.

In Government Order No.A&F. 9 FYD 57 dated 8th August 1957, the Government have sanctioned four posts of the Senior Inspectors in grade Rs.100-8-140-10-180, 9 posts of Inspectors in grade Rs.75-5-90-6-150, 29 posts of Manual Assistants in grade Rs.35-1½-50 and 13 posts of peons in grade Rs.25-½-35 ~~have been sanctioned~~ and the posts have yet to be filled up.

Karnatak Area of Bombay State (Belgaum Division).

There are 3 Senior Industries Inspectors on Rs.160-10-250-10-300-15-375 and 11 Junior Industries Inspectors on Rs.150-7-185-8-225 in this area. They are assisted by 14 Manual Assistants on Rs.40-1-50-2-80 and 14 peons on Rs.30-½-35.

The work of the above Industries Inspectors at present are supervised by the Assistant Director of Industries, Belgaum.

Karnataka area of Hyderabad State (Gulbarga Division).

There are 5 Inspectors of weights and measures on Rs.130-4-150EB-6-190 and 5 Manual Assistants on Rs.35-1½-50 in this area.

The work of the above Inspectors of weights and measures are supervised by the Superintendents of Industries in this area at present.

Bellary District. There is a Stamping Smith on Rs.24-1-30-½-35 in

this district who is attending to the testing and stamping of weights and measures. This post has been recently converted into Manual Assistant on Rs.35-1½-50. He is also under the control of the Deputy Commissioner of Bellary District at present. One post of Inspector of weights and measures in grade Rs.75-5-90-6-150 and a peon in grade Rs.25-½-35 have been sanctioned to this Department, recently.

South Kanara District. A Stamping Smith on Rs.24-1-30-½-35 is attending to the testing and stamping of weights and measures in this district. This post has been recently converted into Manual Assistant on Rs.24-1-30-½-50. One post of Inspector in grade Rs.75-5-90-6-150 and a peon on Rs.25-½-35 have also been sanctioned recently. The Manual Assistant is under the control of the Collector, South Kanara District, Mangalore at present.

Coorg District. There is no separate weights and measures staff in this district. The Government have recently sanctioned one Inspector of weights and measures on Rs.75-5-90-6-150, one Manual Assistant on Rs.35-1½-50 and a peon on Rs.25-½-35 to this district.

Income and Expenditure.

The present estimated income under weights and measures during the current year is Rs.1,15,000/- against an estimated expenditure of Rs.3,48,259/-. It could be seen from the above that there is neither adequate weights and measures staff in the different areas of the new State nor adequate supervision over the existing staff. Whatever supervision is being done at present, it is done by officers of not only of this Department but also of Industries and Commerce Departments.

It is therefore, very necessary to reorganise the existing weights and measures branch and to provide adequate staff and also to set up adequate supervising machinery to guide, supervise and control the said staff. Moreover, additional staff is absolutely necessary both at District level and divisional level to carry out

the propaganda and publicity connected with introduction of metric system of weights and measures in the State.

Therefore, the following proposals are submitted for re-organising the weights and measures section of this Department.

1) The Registrar of Co-operative Societies and Chief Marketin Officer should be designated as Ex-Officio Director of Weights and Measures.

2) There should be a wholetime Senior Officer for the implementation of the programme as decided by the State Metric Committee. His grade pay should be Rs.550-30-700-40-860. He will be designated as Deputy Director of weights and measures and he should be a Senior experienced officer drawing a pay of Rs.600/- and above in order to co-ordinate the work connected with the metric system in all the Departments. He will be assisted by the Marketing Officer for weights and Measures who will work as his Personal Assistant at Headquarters. The present Assistant Director of Weights and Measures will give all technical advice to the Ex-Officio Director of weights and measures and also the Co-ordination officer. It is proposed to revise the grade pay of the Assistant Director of weights and measures from Rs.300-25-450-25-600 to 300-25-550-30-700-40-820 and designate him as Technical Assistant with a conveyance allowance of Rs.75/- p.m. attached to his post in view of the duties to be performed by him. It is also proposed to revise the grade pay of the Marketing Officer from Rs.200-20-400 to Rs.225-20-325-25-500 on the analogy of the Senior Marketing Officers and designate him as Assistant Director of Weights and Measures.

3) The four Senior Marketing Officers of Bangalore, Mysore, Gulbarga and Belgaum Divisions should be entrusted with the work of grading, supervising and controlling all the weights and measures at the divisional level. Each divisional officer should be provided with one 1st Div. Clerk, one IInd Div. Clerk and one IInd Grade Typist, one Inspector of Weights and Measures with one Manual Assistant and one Attender.

4) Each District. There should be 19 Senior Inspectors of weights and measures (Gazetted) at the rate of one for each district, in grade Rs.200-20-400. Their status will be that of an Amildar. The duties of these officers will be to supervise the work of Inspectors of weights and measures with the help of Manual Assistants and to launch prosecutions wherever necessary. Each Senior Inspector will be provided with one 1st Division Clerk, one Second Division Clerk, one Second grade typist cum clerk and two peons.

5) There should be at least two Inspectors of weights and measures for each district. Each Inspector will be provided with one Manual Assistant and one peon. Thus there will be 38 Inspectors for 19 Districts, 4 Inspectors for divisional offices and one for Head-quarters, in all 43 Inspectors. At present, there are 42 Inspectors in the State and one more post of the Inspector is necessary. At present the grade pay of the Inspectors of weights and measures is Rs.70-5-90-6-150. In view of the paucity of technical hands it is proposed to revise their grade pay to Rs.80-5-100-8-140-10-200. The grade pay of the Manual Assistant in Bombay Karnataka Area is Rs.40-1-50-2-80. The grade pay of the Manual Assistant in other areas is Rs.35-1½-50. There should be an uniform grade to all the Manual Assistants. The 37 Manual Assistants who are in the grade Rs.35-1½-50 should be upgraded to Rs.40-1-50-2-80.

6) Under propaganda it is proposed to provide a Van for Propaganda and publicity. A driver in the grade of Rs.45-2-65-3-80 and a cleaner in the grade of Rs.30-1-40 is provided.

7) A conveyance allowance of Rs.10/- to the 2 Senior Inspectors and 2 Inspectors of weights and measures in Bangalore; Rs.7/8/- to the Inspectors of weights and measures at Davangere and Mysore; Rs.4/- to 14 Inspectors of weights and measures in Belgaum division Rs.15/- to the Inspectors in Gulbarga Division is being paid now. In view of the increased responsibilities and arduous nature of work involved in the introduction of the new system, it is proposed to

give an uniform conveyance allowance of Rs.25/- to the Senior Inspectors, Rs.15/- to the Inspectors and Rs.10/- to the Manual assistants.

Qualifications.

It is proposed to recruit Science Graduates for the post of the Senior Inspectors, preference being given to Engineering graduates. Diploma Holders in Engineering or science graduates will be entertained for the post of Inspectors.

Recruitment.

It is proposed to fill up 50 per cent of the Gazetted and Non-Gazetted (both executive and ministerial) posts by promotion of senior officials of the Departments on merit and efficiency and other 50 per cent by direct recruitment.

B. Proposals for non-recurring expenditure.

As already intimated in this office D.O. letter No.D.D.8833-W/57-58 dated 5th September 1957, the total non-recurring expenditure of the Government Departments including Marketing Department was proposed at Rs.75,00,000/-. In view of the discussion that transpired on 18th December 1957, already referred to above, this amount has been revised and the non-recurring expenditure has been arrived at Rs.37,00,000/- and this includes an expenditure of Rs.2/- lakhs for publicity and propaganda. The statements showing the phased break up with details are herein enclosed.

In the circumstances explained above, I request you kindly to obtain early orders of Government for the following recurring and non-recurring expenditure.

I. Recurring.

1. To designate the Chief Marketing Officer as Ex-Officio Director of Weights and Measures in the State.

2. To sanction the post of a wholetime officer of the designation of Deputy Director of weights and measures in the grade of Rs.550-30-700-40-860.

3. To revise the grade pay of the 25 Assistant Director of weights and measures from Rs.300-25-450-25-600 to 300-25-550-30-700-40-

40-820 and to sanction a conveyance allowance of Rs.75/- p.m. attached to the said post and to designate him as Technical Assistant.

4. To revise the grade pay of the Marketing Officer for weights and measures from Rs.200-20-400 to Rs.225-20-325-25-500 on the analogy of the pay of the Senior Marketing Officers redesignating him as Assistant Director of weights and measures.

5. To sanction 19 posts of Senior Inspectors of weights and measures of Gazetted status on Rs.200-20-400 and to convert the existing posts of Senior Inspectors, i.e., 3 Senior Industries and 6 Senior Inspectors of weights and measures into that of Senior Inspectors of weights and measures of Gazetted status on Rs.200-20-400.

6. To sanction one Inspector of weights and measures on Rs.80-5-100-8-140-10-200 and revise the grade pay of the other 26 Inspectors from Rs.75-5-90-6-150 to 80-5-100-8-140-10-200.

7. To sanction eleven posts of Manual Assistants on Rs.40-1-50-2-80.

8. To sanction 38 posts of peons on Rs.25-½-35.

9. To sanction 11 Attenders on Rs.25-½-35.

10. To sanction 24 posts of 1st Division Clerks on Rs.75-5-90-6-150-10-180 to District and Divisional offices.

11. To sanction 23 posts of IInd Grade Typists on Rs.55-3-70-4-110-5-150 to District and Divisional offices.

12. To sanction 4 posts of 2nd Division Clerks on Rs.50-3-80-4-120 for district offices.

13. To sanction one 1st Grade Stenographer on Rs.75-5-100-8-140-10-250 to the Head Office.

14. To revise the grade pay of 7 Manual Assistants from Rs.35-1½-50 to 40-1-50-2-80.

15. To sanction an uniform conveyance allowance of Rs.25/- p.m. to the Senior Inspectors, Rs.15/- to the Inspectors and Rs.10/- to the Manual Assistants.

While presenting these proposals, the existing staff and the staff sanctioned so far is excluded. A detailed statement of proposed staff is enclosed.

II. Non-Recurring Expenditure.

To sanction a non-recurring expenditure of Rs.37/-lakhs towards expenditure on account of the change over in the system as per details furnished below:-

1) Marketing Department	.. 7 lakhs.
2) Public works Department	..20 "
3) Other Departments	.. 8 "
4) Publicity and Propaganda (including the purchase of a Van).	.. 2 "
Total	..37 lakhs.

Extra cost

A proposition statement in duplicate showing the present and proposed extra expenditure is herewith enclosed. Average extr cost to be incurred on account of the above proposals will be Rs.1,83,348 per year in the case of recurring expenditure.

The present expenditure of the weights and measures secti will be Rs.3,49,259/-. The estimated receipts towards the collection of fees as worked out according to Bombay Schedule o fees will come to Rs.3,90,000/-. It is further proposed to enhance the rate of verification and stamping fees by about 50% a least. This is expected to bring an additional revenue of Rs.2 lakhs, thereby the total receipt will be about Rs.5,90,000/-. From the above, it will be clear that the income to be derived not only cover the entire expenditure of the present and proposed weights and measures staff but also there will be an additional revenue to Government.

As regards the non-recurring expenditure, proposal had be previously sent for a total sum of Rs.75,00,000/- on the basis c actual requirements of the several departments for the changeove from the present system to the new Metric system. In view of the discussion that took place on the 18th the said expenditure has been reduced to the bearest minimum of Rs.37/- lakhs which is qu essential for the successful implementation of the scheme.

[illegible] the total cost of the non-recurring expenditure 50 of the cost will be contributed by the Centre and 50% will be co buted by the State as per discussion that ensued in the meeting stated above. The entire recurring exepditure would be met by t State Government.

It was also urged in the meeting that the Central Govt. should be requested to contribute 75% of non-recurring expenditu: the remaining 25% should be met by the State Govt. Hence the non-recurring expenditure worked out at 75% and 25% of the share of Centre and State respectively is also appended to this.

Yours faithfully,

M Thammiah

(M. Thammiah)

ADDL. CHIEF MARKETING OFFICER.

	NON-RECURRING EXPENDITURE.			
	1958-59	1959-60	1960-61	Total
Weights and measures Department	1,50,000	2,75,000	2,75,000	7,00,0
Propaganda	1,88,000	6,000	6,000	2,00,0
Public Works Department	2,50,000	8,75,000	8,75,000	20,00,0
Other Government Departments	1,00,000	3,50,000	3,50,000	8,00,0
Total	6,88,000	15,06,000	15,06,000	37,00,0
Central Assistance at 50%	3,44,000	7,53,000	7,53,000	18,50,0
State's Share at 50%	3,44,000	7,53,000	7,53,000	18,50,0
Total	6,88,000	15,06,000	15,06,000	37,00,0
Central Assistance at 75%	5,16,000	11,29,500	11,29,500	27,75,0
State's Share at 25%	1,72,000	3,76,500	3,76,500	9,25,0
Total	6,88,000	15,06,000	15,06,000	37,00,0

Statement No. 2

INTRODUCTION OF METRIC SYSTEM OF WEIGHTS & MEASURES

Estimate of expenditure for publicity

Translation of pamphlet prepared by the press Information Bureau of the Government of India, in Kannada and distribution among Educational Institution, Village Panchayats, Government Offices, Cooperative Institutions, Regulat Markets, Trade Associations and N.E.S. Blo 1 lakh copies.	Rs.30,000
Preparation of holder, with account on Visual Illustration and a small reading matter, blotters, show cards to introduce the New System.	10,000
Press Publication in pouplar dailies and Weeklies.	
) Deccan Herald) Tainadu,) Janavani,) Samyukta Karnataka,) Prajavani,) Prajamatha weekly. — Every day in first month and once in a week in subsequent months.	30,000
Purchase of a playmouth station wagoon.	25,000
Preparation of films, slides and giving publicity to the same through cinemas in the picture houses of the State.	10,000
Display of posters and other literature in the Exhibition, fairs and Jatras	5,000
Hand-bills giving metric weights and measures together with equivalents in Mysore Gazette both in Kannada and English (2 lakhs standard-sets).	5,000
Display of Metric weights in the Regulated-Markets ... 120 sets Major cooperatives ... 600 " Trade Associations ... 100 " Taluk Offices ... 280 " 1,100 sets. at the cost of Rs.50/- per set along with other equivalent charges for the display. (Rs.5,000/-).	30,000
Maintainance of propaganda Van cost of petrol mobile oil and repairs etc., at Rs.500/- per month for 3 years.	18,000
Other contingent and unforeseen expenditure for publicity.	7,000
	2,00,000

***

Statement No.3

NON RECURRING EXPENDITURE OF THE GOVERNMENT DEPARTMENTS FOR INTRODUCTION OF METRIC SYSTEM OF WEIGHTS AND MEASURES IN THE STATE

***

1) Marketing Department (weights and Measures)	Rs.7,00,000
2) Public Works Department	20,00,000
3) Industries and Commerce Departments	2,00,000
4) Revenue Department	3,00,000
5) Chief Conservator of Forests	1,00,000
6) Chief Electrical Engineer	30,000
7) The Director of Mines and Geology	20,000
8) The Director of Public Instructions	6,000
9) The Commissioner for Land Records and Survey Settlement	80,000
10) Inspector General of Registration	20,000
11) Public Service Commission	100
12) Commissioner for Stamps	1,500
13) Controller of State Accounts Department	300
14) Commissioner for Commercial Tax	7,200
15) Chief Inspector of Schools	2,000
16) Inspector General of Police	100
17) Director of Agriculture	20,000
18) Commissioner for Food Production	20,000
19) The State Statistician	60,000
20) The Director of Archaeology	800
21) The Director of Social Well-far	2,500
22) City Improvement Trust Board.	3,000
23) Director of Medical Service	70,000
24) Mysore Housing Board	5,000
25) Judicial Department	6,500
26) Director of Sericulture	15,000
27) Municipal Corporation, Mysore	10,000
28) Local Self Government Department	20,000
Total ...	37,00,000

Note:- The details of expenditure of the Marketing and Public Works Department are herewith enclosed. The other departments have not furnished the details of the expenditure.

Ramu/24.

M. Thammiah 24/12/75

(M. THAMMIAH)
ADDL. CHIEF MARKETING OFFICER.

Statement No.4

NON RECURRING EXPENDITURE OF THE MARKETING DEPARTMENT.

***

Reference standards and Precision Labbratory(1 set)

50	kg.	capacity.	)
5	kg.	"	)
.5	kg.	"	)
.075	kg.	"	)
.0025	kg.	"	)

II. Secondary Standards (15 sets)

a) Weights	Rs.900/-	per se
b) Measures	1,200/-	"
c) Yard Measures	600/-	"
d) Dry Measures	600/-	"
e) Balances	5,500/-	"
	Rs.8,800/-	per se
	For 15 sets.	

III. Working Standards (62 sets)

a) Weights	Rs.1,250/-	
b) Measures	1,250/-	
c) Balance:	4,500/-	
	7,000/- x 62	4,34,000

IV. 2 extra sets of working standard balance at Rs.4.500/- each 9,000

V. Equipment for Field Staff.

1) Test weights and counter-poise weights for 62 units at Rs.60/-per set.	3,720
2) Tools and other equipment at Rs.500/- per unit for 62 offices.	31,000
3) Furniture for 62 offices and Precision Lab.	62,180
4) 62 Oil Preasure Lamps (Petromax) at Rs.50/-each	3,100
GRAND TOTAL ...	7,00,000

Statement No.5

ABSTRACT ESTIMATE OF PUBLIC WORKS DEPARTMENT'S EXPENDITURE IN CHANGING TO THE METRIC SYSTEM OF MEASUREMENT IN MYSORE ST., AS DECIDED ON 18TH DECEMBER, 1957.

Item of work	Quantity	Amount
Providing and fixing Kilometre and Half-kilometres stones.	16,100 miles	9,00,000/- + 1,00,000 for National Highways
Changing the figures in Hand and sign posts.	Lumpsum	25,000
Providing weights and measures of the Metric system.	480 (about)	12,000
Providing levelling staves, Metric - scales and other maping requirements	Lumpsum	1,00,000
Conversion of essential Records, schedule of rates, specifications, age records and measurement books.	Lumpsum	1,00,000
Providing and fixing new gauge posts and re-orientation of existing grade stones.	Lumpsum	1,00,000
Establishment and Special Staff	Lumpsum	1,50,000
Cost-to-wards conversion of essential basic Records.	Lumpsum	2,00,000
Recalibration of measuring and weighing devises wherever absolutely necessary.	Lumpsum	4,00,000
Miscellaneous and unforeseen charges	Lumpsum	13,000

Statement No.6

DETAILS OF RECHRRING EXPENDITURE OF THE PROPOSED STAFF.

****

	1st year	2nd year	3rd year.
1. One Deputy Director of weight and measures on Rs.700/- in grade 550-30-700-40-860.	8,400	8,880	9,360
2. 10 Senior Inspectors of weights and measures in grade Rs.200-20-400	24,000	26,400	28,800
3. One Inspector of weights and measures in grade 80-5-100-8-140 10-200	960	1,020	1,080
4. One 1st grade typist in grade 75-5-100-8-140-10-250	900	960	1,020
5. 24 1st Dn., Clerks in grade 75-5-90-6-150-10-180	21,600	23,040	24,480
6. 23 2nd grade typists in grade 55-3-70-4-110-5-150	15,180	16,008	16,836
7. 4 2nd Dn., Clerks in grade 50-3-80-4-120	2,400	2,544	2,688
8. 11 Manual Assistants in grade 40-1-50-2-80	5,280	5,412	5,544
9) 11 Attenders in grade 25-½-35	3,300	3,366	3,432
0) 38 Peons in grade 25-½-35	11,400	11,628	11,856
1. One Van Driver in grade 45-2-65-3-80	540	564	588
2. One Cleaner in grade 30-1-40	360	372	384
3. Extra cost by changing the grade of pay of the Marketing Officer, from 200-20-400 to 225-20-325-25-500	300	300	300
4. Extra cost by changing the pay of Inspectors of weights and measures from 75-5-90-6-150- to 80-5-100-8-140-20-200	912	1,104	1,296
15. Extra cost by changing the grade of pay of Sr. Inspectors of eights and measures to 200-20-400	5,340	6,960	8,580
16) Extra cost by changing the grade of manual Assistants	1,280	1,502	1,724
7) Dearness Allowance for the above staff	42,780	42,780	44,700
8) Travelling allowance for the Officers, Senior Inspectors, Inspectors of weights and measures and Manual assistants. allowance	12,000	12,000	12,000
9) Travelling/for 12 Inspectors and their attenders at Rs.1,000/- per Inspector (Instead of F.T.A.) Ordinary T.A. is provided	12,000	12,000	12,000

Ramu/24.

continued...2

Statement No.6 (continued)

		2nd year	3rd year.
Extra cost for conveyance allowance to the Technical Assistant, Senior Inspectors, Inspectors, and Manual Assistants at Rs.75/-, 25/-, 15/-, and 10/- per month respectively.	12,060	12,064	12.064
Contingencies including office rent and supply of uniforms and purchase of punches etc.,	15,000	15,000	15,000
GRAND TOTAL	1.95.996	2.03.904	2.13.732

M. Thammiah
(M. THAMMIAH)
ADDL. CHIEF MARKETING OFFICER.

Office of the Chief Marketing Officer in
Mysore, Atara Kacheri Buildings, Bangalore,

No.M.D. 19846 -W/57-58. Dated 22nd 1958.
Encls. two

To

The Secretary to the Government of Mysore,
Agriculture and Forest Departments,
BANGALORE.

Sir,

Sub: Amendments to the Draft Weights and Measures (Enforcement) Bill 1957.

In enclosing herewith a copy of the D.O. letter No.291-SMC/57, dated the 18th March 1958 received from the Secretary, Standing Metric Committee, Government of India, Ministry of Commerce and Industry, New Delhi, on the above subject, I write to state that it is felt desirable to add the amendments proposed in the letter under reference to the draft Weights and Measures (Enforcement) Bill 1957.

I, therefore, request you kindly to amend the Sections 20, 43(2)(k), 43(3) and to add a new section after 36, as suggested by the Secretary, Standing Metric Committee.

Yours faithfully,

M. Thammiah
(M. THAMMIAH)
ADDL. CHIEF MARKETING OFFICER.

VR.

22/3/58

22/3/58

4 MAR 1958
2328
A. & F. DEPTT., CO-OPERATION BRANCH

Copy of D.O. Letter No. 291/SMC/57 dated the 18th March 1958 from Sri P.N. Nayer, Secretary, Standing Metric Committee, New Delhi to the Additional Chief Marketing Officer, Bangalore.

Please refere to my D.O. letter of even number dated the 30th January 1958. I hope the Weights and Measures (Enforcement) Bill will be introduced during the present Budget Session of the State Legislature.

2. At a recent meeting of Chief Inspectors of Weights and Measures of the States, the draft model Weights and Measures (Enforcement) Bill came up for discussion incidentally. They have suggested the following minor amendments in the draft model Bill:-

1) Section 20 which refers to appeals does not provide any appeal against a decision of the Controller. Where the Controller takes an original decision, the aggrieved party will have no right of appeal. It was, therefore suggested that the section should be redrafted providing an appeal to the State Government from decisions of the Controller, in such cases.

2) A new section should be added after section 36 which will declare the Controller, Assistant Controller and Inspector as public servants.

3) Section 43(2)(k) provides for the seizure, detention and destruction of un-authorised weights and measures. There is no power of forfeiture of these weights to the State Government. Such a power was considered necessary. It was, therefore proposed that the word 'destruction' should be replaced by 'disposal'.

4) The fine of one hundred rupees provided for a breach of the rules in section 43(3) was considered too low.

It was suggested that this should be raised to undred rupees.

I hope the proposed amendments will be considered State Government before the Bill is introduced in the State Legislature.

3. A statement of the proposed amendments is attached.

Ramu/22

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copy

22-3-58

for Chief Marketing Officer

STATEMENT SHOWING THE AMENDMENTS
SUGGESTED IN THE DRAFT MODEL
WEIGHTS AND MEASURES(ENFORCEMENT)
B I L L

Section 20 :afted as follows:-

Appeals. 20. (1) Subject to the provisions of sub-section (2), an appeal shall lie -

(a) from every decision of an Inspector under this Act, to the Controller; and

(b) from every decision of the Controller under this Act, not being a decision made in appeal under clause (a), to the State Government or any officer specially authorised in this behalf by the State Government

(2) every such appeal shall be preferred within sixty days from the date of decision.

(3) on receipt of any such appeal; the appellate authority shall, after giving the appellant a reasonable opportunity of being heard and after making such enquiry as it deem proper, decide the appeal and the decision of the appellate authority shall be final.

g to be added after Section 36:-

tc. der e nts. 36A. The Controller, every Assistant Controller and Inspector appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indisn panel Code.

In Section 43(2)(k) the word 'des-truction' will be replaced by 'disposal'

In Section 43(3) the words 'one hundred rupees' will be replaced by 'five hundred rupees'.

For CHIEF MARKETING OFFICER.

MYSORE GOVT. SECRETARIAT
I.O. C.19/58-9
9 APR 1958
4-15 P.M.
(COUNCIL SECTION)

DRAFT COUNCIL NOTE.

Subject:- Weights and Measures Bill.

At present five different Weights and Measures Acts are in force in different areas of the new Mysore State. They are not uniform either in scope or standards.

2) Parliament has enacted a legislation of Standards of Weights and Measures Act, 1956 laying down the standards of metric system. This Act is proposed to be brought into force with effect from 1-10-58 in limited areas of each State. The Government of India, after consulting all State Governments have forwarded a model enforcement bill with a request to get it introduced in the next session of the State Legislature. This model bill has been examined by the Chief Marketing Officer. He forwarded a tentative draft bill for approval of Government. This has been scrutinised by the Law Department.

3) The financial implications of the proposed bill has also been examined. The total non-recurring expenditure on this ac comes to Rs. 37/- lakhs. This expenditure is proposed to be phased over for a perioc three years. The Centre originally propo: meet only half of the non-recurring expenc as at present. When the matter was discu: by the Joint Secretary to Government of I: with the Chief Secretary and other Secret: at Bangalore on 18.12.57 a suggestion was that the Government of India should meet at least 75% of the non-recurring expendi and 50% of the recurring expenditure. Th has not been agreed to by the Government India. As regards the recurring expenditu

the extra cost to the State on account of the implementation of the scheme will be about Rs. 1,95,996/- if the entire staff asked for sanctioned. The proposed metric system is propo to be introduced in stages over a period of t years. The Finance Department is agreeable t the present proposal but suggests that the Government of India may be pressed to share at least 75% of the non-recurring expenditure and 50% of the recurring expenditure. The amendments subsequently communicated by the Government of India for the model bill are al scrutinised by the Law Department and incorpo in the uniform Act now proposed

STATEMENT OF OBJECTIONS AND REASONS.

The Central Government have decided to introduce the metric system of weights and measures throughout the country. The Standard of Weights and Measures Act, 1956 prescribing metric standards have also been passed by Parliament. The enforcement of these standard rests with the State Government. In the new Mysore State there are five different Weights and Measures Acts in different areas. The proposed Bill seeks to put an end to the diversity of weights and measures prevalent in different areas of the State and also to implement the decision of Parliament to introduce the metric system in the country.

The main features of the bill are:

i) introduction of Metric Weights and Measures and integral multiples and sub-multiples thereof for use in the State;

ii) Testing and custody of reference secondary and working standards;

iii) Verification and stamping of weights and measures, weighing and measuring instruments; and

iv) appointment of Inspectors invested with certain jurisdiction, powers and duties, including power to seize false weights or measures etc.

(S. Nijalingappa)

FINANCIAL MEMORANDUM.

The financial implications in bringing out the new legislation of weights and measures ...volves an additional non-recurring expenditure of Rs. 37/- lakhs and a recurring expenditure of Rs. 5,45,255/-. The recurring expenditure includes the present expenditure of Rs.3,49,259/- on the existing staff. The extra cost involved on account of the implementation of the scheme will be Rs. 1,95,996/- after the entire staff asked for is sanctioned. The non-recurring expenditure is proposed to be phased over for a period of three years and the Centre is sharing half of this expenditure. The proposed enactment is expected to yield an additional revenue of about Rs. 2/- lakhs.

(S. Nijalingappa)

THE MYSORE WEIGHTS AND MEASURES (ENFORCEMENT) BILL, 1958.

A Bill to provide for the enforcement of standard weights and measures and for matters connected therewith.

WHEREAS it is expedient to provide for the enforcement of standard weights and measures and for matters connected therewith;

Be it enacted by the Mysore State Legislature in the ~~Eight~~ Ninth year of the Republic of India as follows-

CHAPTER - I

PRELIMINARY.

1. Short title. extent and commencement.- (1) This Act may be called the Mysore Weights and Measures (Enforcement) Act, 1958.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act or for different areas or for different classes of undertakings or for different classes of goods.

2. Definitions.- In this Act, unless the context otherwise requires, -

(a) "Commercial Weight or measure" means a weight or measure purporting to be a standard weight or measure used in any transactions for trade or commerce

(b) "Controller" means the Controller of Weights and Measures appointed under section 15.

(c) "Inspector" means an Inspector of Weights and Measures appointed under section 15.

(d) "measuring instrument" means any measuring instrument other than a weighing instrument and includes any instrument for the measurement of length, area, volume or capacity

(e) "Mint" means the mint of the Central Government either in Bombay or in Calcutta

(f) "prescribed" means prescribed by rules made under this Act

(g) "standard weight or measure" means any unit of mass or measure referred to in sub-section (1) of section 13 of the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956) and includes any other weight or measure permitted to be continued to be used by the Central Government in pursuance of sub-section (1) of section 14 of the said Act

(h) "reference standards" means the sets of standard weights and measures supplied to the State Government by the Central Government in pursuance of sub-section (2) of section 18 of the Standards of Weights and Measures Act, 1956

(i) "Rules" means rules made under section 42

(j) "stamping" includes casting, engraving, etching, branding or otherwise marking in such manner as to be, so far as practicable, indelible and the expression "stamp" and other expressions relating thereto shall be construed accordingly

(k) "verification" with its grammatical variations used with reference to a weight or measure or weighing or measuring instrument, includes the process of comparing, checking or testing such weight or measure or weighing or measuring instrument and also includes re-verification

(l) "weighing instrument" means any instrument used for weighing and includes scales with the weights belonging thereto, scale-beams, balances, spring

balances, stall yards and other weighing machines.

CHAPTER - IIX

STANDARD WEIGHTS AND MEASURES

3. Working standards.- (1) For the purpose of verifying the correctness of commercial weights and measures and weighing and measuring instruments used in transactions for trade or commerce, the State Government shall cause to be prepared such number of authenticated sets of standard weights and measures as they may think fit to be working standards, and special sets of working standards in relation to bullion and precious stones may also be prepared.

(2) The working standards shall be made of such material and according to such designs and specifications and shall be prepared by such agency and shall be stamped and authenticated by such person or authority and in such manner as may be prescribed.

(3) The working standards shall be kept by such officers as the State Government may direct at such places, and in such manner as may be prescribed.

(4) A working standard shall be verified with the secondary standard and marked by such persons, at such places, at such intervals and in such manner as may be prescribed

Provided that a special working standard in relation to bullion and precious stones shall be verified with the feference standard.

(5) A working standard which is not so verified and marked within the prescribed period shall not be deemed legal or be used for the purposes of this Act.

(6) A working standard which has become defective shall not be deemed legal or be used for the purposes of this Act, until it has been verified and marked in the prescribed manner.

4. Secondary standards.- (1) For the purpose of verifying the correctness of the working standards, the State Government may cause to be prepared at the Mint such number of authenticated sets of standard weights and measures as they may deem think fit. Such sets shall be called the secondary standards.

(2) The secondary standards shall be made of such material and according to such design and specifications as may be prescribed and shall be stamped and authenticated by such person or authority as the Central Government may direct.

(3) The secondary standards shall be kept by such officers as the State Government may direct at such places, and in such manner as may be prescrib

(4) A secondary standard shall be verified with the reference standard at least once in every period of five years and shall be marked with the date of verification in the prescribed manner by such person or authority as the State Government may direct.

(5) A secondary standard which is not so verified and marked within the aforesaid period shall not be deemed legal and shall not be used for the purposes of this Act.

5. The Reference Standards.- The reference standa shall be kept by such officers at such places, and in such manner as the State Government may direct.

6. Standard weighing and measuring instruments.- (1) For the purpose of verifying the correctness of weights and measures and of weighing and measuring instruments used in transactions for trade or commerce, the State Government may cause to be prepared as many sets of weighing and measuring instruments as it may deem necessary.

(2) Such instruments shall be of such kind

kept in such number and shall be verified and stamped in such manner as may be prescribed.

(3) Such instruments shall be kept at all places where secondary standards or working standards are kept.

7. Prohibition of use of weights and measures other than standard weights and measures.- (1) Notwithstanding anything contained in any other law or any custom, usage or practice, no unit of mass or measure~~s~~, other than the standard weights or measures shall be used in any transactions for trade or commerce or any dealing or contract or for any work to be done or goods to be sold or delivered in any area or class of goods or undertakings in respect of which this Act has come into force.

(2) Any custom, usage, practice or method of whatever nature which permits in any trade, a trader, seller or buyer to demand, receive or cause to be demanded or received any quantity of article in excess of, or less than, the quantity fixed by the weight or measure by which the contract or dealing in respect of the said article has been made, shall be void.

(3) Any transaction, dealing or contract, had or made after the expiry of three months from the commencement of this Act shall, in so far as it contravenes the provisions of sub-section (1), be void.

8. Power to prescribe the use of weights only or measures only, in certain cases.- (1) Notwithstanding anything contained in this Act, the State Government may, by notification in the Official Gazette, direct that in any specified trade or class of trades no transaction, dealing or contract shall be made or had except by weight only, or except

by measure only, and such notification shall take e
~~mft~~ in such area, with effect from such date, and subject to such conditions, if any, as may be speci
therein.

CHAPTER III

VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES.

9. Marking of denominations on commercial weights and measures.- Every weight or measure ma
factured for use as a commercial weight or measure shall bear
description which it purports to be, marked legibly
it in such manner as may be prescribed.

10 . Prohibition of sale of unstamped commercial weights and measures.- No commercial weight or measure or weig
or measuring instrument shall be sold or delivered unless it has been verified or reverified in accorda
with the rules made under this Act and stamped in th
~~prescribed~~ prescribed m anner by an Inspector with sta
of verification under this Act.

11. Prohibition of use of unstamped ~~commercial~~ weights or measures.- No weight or measure or weigh
or ~~measuring~~ measuring instruments shall be used i
transactions in trade or commerce unless it has been verified or reverified in accordance with the rules made under this Act and stamped in the prescribed man b y an Inspector, with a stamp of verification under the Act.

12 Power of State Government to exempt.- Where th
size of a commercial weight or measure renders it impracticable have any denomination marked on it under the provisio of section 9 or to be stamped under the provisions of section 10 or section 11, the State Government may,

~~xxx~~ by notification in the Official Gazette, exempt such weights or measures from being so stamped.

13. Prohibition against manufacture etc., of weights and measures without licence.- No person shall, in course of ~~trade~~ any trade, manufacture, or repair, or sell any weight or measure or any weighing or measuring instrument, unless he has obtained in the prescribed manner a licence in this behalf from the State Government or such officer ~~xxxx~~ as the State Government may authorise in this behalf.

14. Marking of weight or measure in sealed containers.- No person shall sell, offer for sale, expose for sale, or have in his possession for sale, any article contained in a sealed package or container unless such package or container bears thereon, or on a label securely attached thereto, a description of the net weight or measure of the article contained therein.

15. Appointment of Controller, Assistant Controller and Inspectors.-(1) The State Government may appoint a Controller of Weights and Measures for the State and as many Assistant Controllers and Inspectors of Weights and Measures as may be necessary for exercising the power and discharging the duties ~~xxxxx~~ conferred or imposed on them ~~xxx~~ by or under this Act.

(2) The State Government may, by general or special order, define the local limits within which each Inspector shall exercise the powers and discharge the duties conferred or imposed on Inspectors by or under this Act.

(3) Subject to the provisions of this Act, all Assistant Controllers of Weights and Measures and Inspectors shall perform their functions under the general superintendence and control of the Controller

and the Controller and the Assistant Controllers of Weights and Measures may, in addition to the powers and duties conferred or imposed on them by or under this Act, exercise any power or discharge any duty so conferred or imposed on Inspectors.

(4) The Controller of Weights and Measures, every Assistant Controller and Every Inspector appointed under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian penal code.

16. Verification and stamping by Inspectors.- (1) Every Inspector shall, for the purpose of verification of weights and measures and weighing and measuring instruments, attend at such place and time within his jurisdiction as may be appointed in this behalf by the Controller.

(2) The Inspector shall verify every weight or measure or weighing or measuring instrument which is brought to him for the purpose of verification and if he finds such weight or measure or weighing or measuring instrument to be correct and in conformity with the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956), and the rules made thereunder, he shall stamp the same with a stamp of verification in the prescribed manner.

17. Power to Inspect etc.- (1) An Inspector may within the area under his jurisdiction, inspect at all reasonable times, the weights, measures and weighing and measuring instruments which are used in transactions for trade or commerce or are in the possession of any person or are on any premises for such use and may verify every such weight or measure or weighing or measuring instrument with a secondary or working standard or weighing or measuring instrument prescribed for the purpose.

(2) For the purpose of verifying the correctness of any weight or measure used in any transaction, an Inspector may also verify the weight or measure of any article sold or delivered in the course of the transaction.

(3) An Inspector may, at all reasonable times, require any trader or any employee or agent of a trader to produce before him for inspection all weights measures, weighing and measuring instruments which are used by him or are in his possession or are kept on any premises used for trade and all documents and records relating thereto and such trader, employee or agent shall comply with such requirements.

(4) An Inspector may seize and detain any weight or measure or weighing or measuring instrument regarding which an offence under this Act appears to have been committed or which appears to have been or which might be used in the commission of such an offence, and may also seize and detain any articles sold or delivered or caused to be sold or delivered by means of such weight or measure or weighing or measuring instrument together with any documents or records relating thereto.

(5) Where an Inspector has reasons to believe that a sealed package or container does not actually contain the net weight or measure of the article which it purports to contain, he may break open the sealed package or container and verify its contents; and if, on such verification, the net weight or measure of the article is found to be correct, ~~the Inspector~~ he shall reseal the package or container where it is possible so to do without injury to the contents thereof and attach a certificate thereto stating the correct weight or measure of the article, but if, on the other hand, the net weight or measure of article is found to be incorrect, he may seize and detain the package or container and the article contained therein.

(6) For the purpose of such inspection, an Inspector may, at all reasonable times, enter int any place where weights, measures or weighing or

or measuring instruments are used or kept for use in transactions for trade or commerce and inspect such weights and measures and weighing and measuring instruments.

18. Inspector not to be maker, adjuster or seller of weights and measures or weighing or measuring instruments.- An Inspector shall not be employed in the making, adjusting or selling of weights or measures or weighing or measuring instruments :

Provided that in any area in which it appears to the State Government desirable that an Inspector should be allowed to adjust or sell weights or measures, or weighing or measuring instruments, the State Government may, if it thinks fit, authorise such Inspector to adjust or sell weights, measures, or such instruments accordingly.

19. Manufacturers, etc., to maintain records and documents. - (1) Every manufacturer, repairer or dealer in weights and measures or weighing or measuring instruments, and every person using them in transactions for trade or commerce shall maintain such records and accounts as may be prescribed and if required to do so by an Inspector, shall produce such records and accounts before him.

(2) Notwithstanding anything contained in sub-section (1), if the State Government is of opinion that having regard to the nature of business carried on by such manufacturer, repairer or dealer, it is necessary so to do, it may, by order, exempt such person or class of persons from the operation of that sub-section.

20. Appeals;- (1) Any person aggrieved by any decision of an Inspector under this Act, may within sixty days from the date of the decision

decision, prefer an appeal to the Controller or any Assistant Controller of Weights and Measures specially authorised in this behalf by the State Government.

(2) Any person aggrieved by any original decision of the Controller or an Assistant Controller Weights and Measures under this Act, may within sixty days from the date of the decision, prefer an appeal to the State Government.

(3) On receipt of an appeal under sub-section (1), or (2), the appellate authority shall, after giving the person concerned a reasonable opportunity of being heard, decide the appeal and the decision of the Appellate authority shall be final.

21. Levy of fees. - The State Government shall charge such fees:-

(a) for the grant of license under section 13, for manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments;and

(b) for the verification, marking stamping and adjustment of commercial weights and measures and weighing and measuring instruments; ~~as may be prescribed~~.
as may be prescribed.

22. Validity of weights and measures duly stamped. A weight or measure or weighing or measuring instrument, duly stamped by an Inspector under this Act, shall be a legal weight or measure or weighing or measuring instrument in all places in which this Act has come into force unless it is found to be false or defective and shall not be liable to be re-stamped by reason merely of the fact that it is used in any place other than that in which it was originally stamped.

CHAPTER IV.

Penalties.

23. Penalty for sale or delivery by weight or measure other than standard weight or measure. - Whoever, after the expiry of three months from the commencement of this section, sells or causes to be sold or delivers or causes to be delivered in the course of any transaction for trade or commerce any article by any denomination of weight or measure other than one of the standard weights or measures shall, on conviction, be punished with a fine which may extend to two thousand rupees and for ~~a second or a subsequent~~ every succeeding offence, with imprisonment for a period ~~of~~ which may extend to ~~twelve months~~ three months and with fine ~~which may extend to one thousand rupees.~~

24. Penalty for sale of unstamped weights and measures. - Whoever sells or delivers any weight or measure or any weighing or measuring instrument which has not been verified or re-verified or stamped in accordance with the provisions of this Act and the rules made thereunder shall, on conviction, be punish~~able~~ed with fine which may extend to one thousand rupees.

25. Penalty for use of unstamped weights and measures. - Whoever uses in any transaction for trade or commerce, or has in possession for such use, any weight or measure or any weighing or measuring instrument which has not been verified or re-verified or stamped in accordance with the provisions of this Act and the rules made thereunder shall, on conviction, be punish~~able~~ed for a first offence with a fine which may extend to ~~two~~ one thousand rupees, and for a ~~second or subsequent~~ every succeeding offence, with imprisonment for a period which may extend to three months and with fine.

Explanation I. - ~~When any weight or~~

Explanation 1. - When any such weight or measure or weighing or measuring instrument is found in the possession of any trader or any employee or agent of such trader, such trader, employee or agent shall be presumed, until the contrary is proved, to hav had it in his possession for use in transactions for trade or commerce.

Explanation 2 - Where any weight or measure or weighing or measuring instrument is used or possessed in contravention of this section by any employee or agent of a trader on behalf of such a trader, such trader shall, unless he proves that the offence under this section was committed by his employee or agent without his knowledge or consent, be also deemed to be guilty of such offence.

26. Penalty for manufacture of weights, etc. without licence.- If any person manufactures, repairs or sells any weight or measure or weighing or measurir instrument, without obtaining a licence as required by section 13, shall on conviction be punishable with imprisonment for a period which may extend to three months, or with fine, or with both.

27. Penalty for use of weight or measure in contravention of section 8.- Whoever contravenes any of the provisions of a notification issued under section 8 shall be punished with fine which may extend to one thousand rupees.

28. Penalty for failure to mark weight or measure on sealed containers.- Whoever contravenes the provisions of section 14 shall on conviction be punishable with fine which may extend to one thousand rupees.

29. Penalty for fraudulent use of weights

measures, etc. - Whoever fraudulently uses any standard weight or measure or weighing or measuring instrument which he knows to be false shall ~~be~~ on conviction, be punished with imprisonment for a period which may extend to one year, or with fine or with both.

30. Penalty for being in possession of false weight or measure, etc. ~~WEIGHT OR MEASURE, ETC.~~ Whoever is in possession of any commercial weight or measure or weighing or measuring instrument which he knows to be false intending ~~to use~~ that the same may be fraudulently used, shall on conviction be punish~~able~~ed, with imprisonment for a period ~~of~~ which may extend to one year, or with fine or with both.

31. Penalty for making or for selling false weight or measure, etc. Whoever makes, sells or disposes of or causes to be made, sold or disposed of any standard weight or measure or weighing or measuring instrument which he knows to be false, in order that the same may be used as true, or knowing that the same is likely to be used as true, shall on cinviction, be punished ~~able~~ with imprisonment for a period which may extend to one year, or with fine or with both.

32. Penalty for giving short weight or measure. - Whoever in selling any article by weight or measure, delivers or causes to be delivered to the purchaser less than what is purported to be sold shall, if the deficiency exceeds the prescribed limit ~~of~~ error, shall on conviction be punish~~able~~ed with fine which may extend to three hundred rupees.

33. Penalty for forging, etc., of weights measures, etc. (1) Whoever forges or counterfeits any stamp used under this Act for the

stamping of any standard weight or measure or weighing or measuring instrument or possesses any such counterfeit stamp, or removes a stamp from any standard weight or measure or weighing or measuring instrument and inserts the same into another weight or measure or weighing or measuring instrument or wilfully increases or diminishes a weight or measure so stamped, shall on conviction be punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

(2) Whoever knowingly uses, sells, utters, disposes of or exposes for sale any weight or measure or weighing or measuring instrument with such forged or counterfeit stamp thereon, or a weight or a measure so increased or diminished shall on conviction punished with ~~vigorous~~ imprisonment for a period which may extend to six months or with fine, or with both.

34. PENALTY FOR NEGLECT OR REFUSAL TO PRODUCE WEIGHT OR MEASURE ETC., FOR INSPECTION.

Whoever:-

(a) refuses or neglects to produce for inspection under section 17, any weight or measure or weighing or measuring instrument or any document or record relating thereto in his possession or on his premises, or

(b) refuses to permit an Inspector to inspect and verify any such weight, measure, instrument, document or record; or

(c) obstructs the entry of an Inspector under section 17, or

(d) otherwise obstructs or hinders an Inspector in the performance of his duties under this Act, shall on conviction be punishable with fine which may extend to five hundred rupees.

35. Penalty for Breach of Duty by Inspector.- In an Inspector knowingly stamps a Weight or measure or weighing or measuring instrument in contravention of the provisions of this Act or of the rules made thereunder, he shall on conviction be punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

CHAPTER -V

MISCELLANEOUS.

36. Protection of persons acting in good faith, No Officer or servant of the State Government shall be liable in respect of any act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of the functions imposed by or under the Act.

37 Cognizance of Offences etc. (1) No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by the Controller or any officer authorised in this behalf by the Controller by general or special order.

(2) No court inferior to that of a magistrate of the first class shall try any offence punishable under this Act.

38. Stamped weights etc., to be presumed to be correct.- A weight or measure or weighing or measuring

instrument duly stamped under the provisions of this Act and the rules made thereunder shall be presumed to be correct until its inaccuracy is proved, if this is produced in any court by any Inspector having charge thereof or by any person acting under the general or special authority of the Controller.

39. OFFENCES BY COMPANIES.

(1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in-charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding any-thing contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanations- For the purposes of this section-

(a) "company" means any body corporate and includes a firm or other association of individuals ; and

(b) "director", in relation to a firm means a partner in the firm.

40. Delegation of powers.- The State Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act or rules made thereunder shall, in relation to such matters and subject to such conditions, as may be specified in the direction, be exercisable also by such officer or authority subordinate to the State Government as may be specified in the notification.

Provided that nothing contained in this section shall apply to any power of the State Government to make rules under this Act.

41. Limits of error to be tolerated in weights and measures.- Subject to any rules that may be made under the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956) in this behalf, the State Government may prescribe the limits of error which may be tolerated:-

(a) in secondary standards referred to in section 4:

(b) in working standards referred to in section 3:

(c) in commercial weights and measures or in selling articles by weight or measure generally or as regards any trade or class of trades; and

(d) weighing and measuring instruments;

42. Power to make Rules.-

(1) The State Government may, by notification in the Official Gazette, make rules to carry out the purpose of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the material ~~from~~ of which and the designs and specifieations according to which working standards be made, the agency by which such standards may be prepared, the person by whom or the authority by which and the manner in which such standards may be stamped and authenticated; the places at which and the custody and manner in which such standards may be kept;

(b) the procedure for the verification or reverification and marking of working standards, the persons by whom, the places at which and the intervals at which, they may be marked;

(c) the material of which and the designs and specifieations according to which secondary standards may be made, the places at which and the custody and manner in which such standards may be kept;

(d) the procedure for the verification or reverification and marking of secondary standards and the manner in which they may be marked;

(e) the number of weighing and measuring instruments to be kept, the manner in which they may be verified and stamped and necessary particulars regarding the same;

(f) the manner in which commercial weights and measures may be marked by manufacturers;

(g) the form and manner in which, and the conditions subject to which licences may be granted to persons for manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments;

(h) the qualifications, functions and duties generally of Inspectors under this Act;

(i) verification and stamping of weights and measures and weighing and measuring instruments and th

period within which they are to be reverified;

(j) inspection of weights and measures and weighing and measuring instruments used in transactions for trade or commerce;

(k) the seizure, detention and disposal of weights and measures which are not authorised by this Act;

(l) the books, accounts and records relating to weights and measures and weighing and measuring instruments to be maintained and the manner in whcih they may be maintained or produced;

(m) the limits of error which may be tolera in secondary or working standards;

(n) the limits of error which may be tolerated in weights and measures and weighing and measuring instruments used or intended to be used in transactions for trade or commerce;

(o) the limits of error which may be tolerated in selling articles by weight and measures generally or as regards any trade or class of trades

(p) the form and manner in which appeals may be preferred against decisions of Inspectors and the procedure for hearing appeals;

(q) the fees which may be charged for the grant of licences under section 13 and for verification, reverification, adjustment and stamping of weights and measures and weighing and measuring instruments and the collection and levy of the same;

(r) Any other matter which has to be, or may be, prescribed;

(3) in making any rule under this section the State Government may provide that a breach thereof shall be punishable with fine which may extend to five hundred rupees.

(4) The power to make rules under this section

shall be subject to the condition of previous publication in the Official Gazette.

(5) All rules made under this section shall, as soon as may be, after they are made, be laid before the State legislature.

43. Rules and orders to be laid before the State Legislature.- Every notification issued under section 8 or section 12 and every rule made under section 42 shall as soon as may be after it is issued be laid before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of the said periods, either House of the State Legislature makes any modification in the notification or rule, or directs that the notification or rule shall not have effect and if the modification or direction is agreed to by the other House, the notification or rule shall thereafter have effect only in such modified form or be of no effect as the case may be.

44. Repeal and Saving.- (1) On the coming into force of the Mysore Weights and Measures (Enfordement) Act, 1958 or any part thereof in any area or areas -

(a) The Bombay Weights and Measures Act, 1932 (Bombay Act XV of 1932), as in force in the Bombay Area; the Coorg Weights and Measures Act, 1954 (Coorg Act VII of 1954) as in force in the Coorg District; the Hyderabad Weights and Measures Act, 1356F (Hyderabad Act XIV of 1356 Fasli) as in force in the Hyderabad Area; the Madras Weights and Measures Act, 1948 (Madras Act XXII of 1948) as in force in the Madras Area; the Madras Weights and Measures Act, 1948 (Madras Act XXII of 1948) as in force in the Bellary District; the Mysore Measures of Length Act, 1890 (Mysore Act III of 1890)

and the Mysore Weights and Measures Act, 1902 (Mysore Act III of 1902), shall to the extent to which they contain any provision which corresponds to any provision of this Act, stand repealed in such area or areas;

(b) the enactments specified in the Schedule, shall also stand repealed to the extent specified in the third column thereof, in such area or areas:

provided that such repeal ~~under sub-section (1) and (2)~~ shall not affect -

(a) the previous operation of the said enactments or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence comitted against the said enactments; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as aforesaid; and any such investigation, legal proceedin or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that all appointments made, notifications and notices issued, rules byelaws and orders made, contracts entered into under any repealed enactment shall, so far as they are not inconsistent with the provisions of this Act and the Rules continue in force and be deemed to have been made, issued and entered into under this Act.

~~(2) As in section 18(3) of the Central Act 8 of 1956.~~

(2) ~~Thexxxxxxxxxxx~~ If, immediately before the commencement of this Act or any provision thereof in respect of any area or class of goods or undertakings, there is in force in respect of that area or class of goods or undertakings, any law which corresponds to this Act or to any provision thereof and which is not repealed by sub-section (1), that corresponding law shall stand repealed.

A&F 11 WMA 57.

COUNCIL NOTE.

Subject:- C.19/58-9.
Weights and Measures Bill.

At present five different Weights and Measures Acts are in force in different areas of the new Mysore State. They are not uniform either in scope or standards.

2. Parliament has enacted a legislation of Standards of Weights and Measures Act, 1956 laying down the standards of metric system. This Act is proposed to be brought into force with effect from 1-10-1958 in limited areas of each State. The Government of India, after consulting all State Governments have forwarded a model enforcement bill with a request to get it introduced in the next session of the State Legislature. This model bill has been examined by the Chief Marketing Officer. He forwarded a tentative draft bill for approval of Government. This has been scrutinised by the Law Department.

3. The financial implications of the proposed bill has also been examined. The total non-recurring expenditure on this account comes to Rs.37/- lakhs. This expenditure is proposed to be phased over for a period of three years. The Centre originall proposed to meet only half of the non-recurring expenditure as at present. When the matter was discussed by the Joint Secretary to Government of India with the Chief Secretary and other Secretaries at Bangalore on 18.12.1957 a suggestion was made that the Government of India should meet at least 75% of the non-recurring expenditure and 50% of the recurring expenditure. This has not been agreed to by the Government of India. As regards the recurring expenditure the extra cost to the State on account of the implementation of the scheme will be about Rs.1,95,996/- if the entire staff asked for is sanctioned. The proposed metric system is proposed to be introduced in stages over a period of ten years. The Finance Department is agreeable to the present proposal ~~xxxx~~ but suggests that the Government of India may be pressed to share at least 75% of the non-recurring expenditure ~~xx~~ and 50% of the recurring expenditure. The amendments subsequently communicated by the Government of India for the model bil are also scrutinised by the Law Department and incorporated in the uniform Act now proposed.

M.S.Swaminathan 15/4/58

(M.S.Swaminathan),
Secretary to Government,
Agriculture & Forest Department

15/4/58

STATEMENT OF OBJECTS AND REASONS.

The Central Government have decided to introduce the metric system of weights and measures throughout the country. The Standards of Weights and Measures Act, 1956 prescribing metric standards have also been passed by the Parliament. The enforcement of these standards rests with the State Government. In the new Mysore State there are five different Weights and Measures Acts in different areas. The proposed Bill seeks to put an end to the diversity of weights and measures prevalent in different areas of the State and also to implement the decision of Parliament to introduce the metric system in the Country.

The main features of the bill are:

i) introduction of Metric Weights and Measures and integral multiples and sub-multiples thereof for use in the State;

ii) Testing and custody of reference secondary and working standards;

iii) Verification and stamping of weights and measures, weighing and measuring instruments; and

iv) appointment of Inspectors invested with certain jurisdiction, powers and duties, including power to seize false weights or measures etc.

S.NIJALINGAPPA.

Financial Memorandum.

The financial implications in bringing out the new legislation of Weights and Measures involves an additional non-recurring expenditure of Rs.37/- lakhs and a recurring expenditure of Rs.5,45,255/-. The recurring expenditure includes the present expenditure of Rs.3,49,259/- on the existing staff. The extra cost involved on account of the implementation of the scheme will be Rs.1,95,996/- after the entire staff asked for is sanctioned. The non-recurring expenditure is proposed to be phased over for a period of three years and the Centre is sharing half of this expenditure. The proposed enactment is expected to yield an additional revenue of about Rs.2/- lakhs.

S.NIJALINGAPPA.

(Please see next page for the Mysore Weights and Measures (Enforcement) Bill, 1958.)

THE MYSORE WEIGHTS AND MEASURES (ENFORCEMENT) BILL, 1958.

A Bill to provide for the enforcement of standard weights and measures and for matters connected therewith.

WHEREAS it is expedient to provide for the enforcement of standard weights and measures and for matters connected therewith;

Be it enacted by the Mysore State Legislature in the Ninth Year of the Republic of India as follows-

CHAPTER - I. PRELIMINARY.

1. Short title, extent and commencement.-(1) This Act may be called the Mysore Weights and Measures (Enforcement) Act, 1958.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act or for different areas or for different classes of undertakings or for different classes of goods.

2. Definitions.- In this Act, unless the context otherwise requires,-

(a) "Commercial Weight, or Measure" means a weight or measure purporting to be a standard weight or measure used in any transactions for trade or commerce.

(b) "Controller" means the Controller of Weights and Measures appointed under section 15.

(c) "Inspector" means the Inspector of Weights and Measures appointed under section 15.

(d) "Measuring instrument" means any measuring instrument other than a weighing instrument and includes any instrument for the measurment of length, area, volume or capacity.

(e) "Mint" means the mint of the Central Government either in Bombay or in Calcutta.

(f) "prescribed" means prescribed by rules made under this Act.

(g) "standard weight or measure" means any unit of mass or measure referred to in sub-section (1) of section 13 of the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956) and includes any other weight or measure permitted to be continued to be used by the Central Government in pursuance of sub-section (1) of section 14 of the said Act.

(h) "reference standards" means the sets of standard weights and measures supplied to the State Government by the Central Government in pursuance of sub-section (2) of section 15 of the Standards of Weights and Measures Act, 1956.

(i) "Rules" means rules made under section 42.

(j) "Stamping" includes casting, engraving, etching, branding or otherwise marking in such manner as to be, so far as practicable, indelible and the expression "stamp" and other expressions relating thereto shall be construed accordingly.

(k) "Verification" with its grammatical veriations used with reference to a weight or measure or weighing or measuring instrument, includes the process of comparing, checking or testing such weight or measure or weighing or measuring instrument and also includes re-verification.

(l) "Weighing instrument" means any instrument used for weighing and includes scales with the weights belonging thereto, scale-beams, balances, spring balances, stoll yards and other weighing machines.

CHAPTER - II

STANDARD WEIGHTS AND MEASURES.

3. Working standards.- (1) For the purpose of verifying the correctness of commercial weights and measures and weighing and measuring instruments used in transactions for trade or comme the State Government shall cause to be prepared such number of authenticated sets of standard weights and measures as they may think fit to be working standards, and special sets of working standards in relation to bullion and precious stones may also be prepared.

(2) The working standards shall be made of such material and according to such designs and specifications and shall be prepared by such agency and shall be stamped and authenticated by such person or authority and in such manner as may be prescribed.

(3) The working standards shall be kept by such officers as the State Government may direct at such places, and in such manner as may be prescribed.

(4) A working standard shall be verified with the secondary standard and marked by such persons, at such places, at such intervals and in such manner as may be prescribed.

Provided that a special working standard in relation to bullion and precious stones shall be verified with the reference standard.

(5) A working standard which is not so verified and marked within the prescribed period shall not be deemed legal or be used for the purposes of this act.

(6) A working standard which has become defective shall not be deemed legal or be used for the purposes of this Act, until it has been verified and marked in the prescribed manner.

4. Secondard standards.- (1) For the purpose of verifying the correctness of the working standards, the State Government may cause to be prepared at the Mint such number of authenticated sets of standard weights and measures as they may think fit. Such sets shall be called the secondary standards.

(2) The secondary standards shall be made of such material and according to such design and specifications as may be prescribed and shall be stamped and authenticated by such person or authority as the Central Government may direct.

(3) The secondary standards shall be kept by such officers as the State Government may direct at such places, and in such manner as may be prescribed.

(4) A secondary standard shall be verified with the reference standard at least once in every period of five years and shall be marked with the date of verification in the prescribed manner by such person or authority as the State Government may direct.

(5) A secondary standard which is not so verified and marked within the aforesaid period shall not be deemed legal and shall not be used for the purposes of this Act.

5. Reference Standards.- The reference standards shall be kept by such officers at such places, and in such manner as the State Government may direct.

6. Standard weighing and measuring instruments.- (1) For the purpose of verifying the correctness of commercial weights and measures and of weighing and measuring instruments used in transactions for trade or commerce, the State Government may cause to be prepared as many sets of weighing and measuring instruments as it may deem necessary.

(2) Such instruments shall be of such kind kept in such number and shall be verified and stamped in such manner as may be prescribed.

(3) Such instruments shall be kept at all places where secondary standards or working standards are kept.

7. Prohibition of use of weights and measures other than standard weights and measures.- (1) Notwithstanding anything contained in any other law or any custom, usage or practice, no unit of mass or measure, other than the standard weights or measures shall be used in any transactions for trade or commerce or any dealing or contract or for any work to be done or goods to be sold or delivered in any area or class of goods or undertakings in respect of which this Act has come into force.

(2) Any custom, usage, practice or method of whatever nature which permits in any trade, a trader, seller or buyer to demand, receive or cause to be demanded or received any quantity of article in excess of, or less than, the quantity fixed by the weight or measure by which the contract or dealing in respect of the said article has been made, shall be void.

(3) Any transaction, dealing or contract, had or made after the expiry of three months from the commencement of this Act shall, in so far as it contravenes the provisions of sub-section (1), be void.

8. Power to prescribe the use of weights only or measures only, in certain cases.- (1) Notwithstanding anything contained in this Act, the State Government may, by notification in the Official Gazette, direct that in any specified trade or class of trades no transaction, dealing or contract shall be made or had except by weight only, or except by measure only, and such notification shall take effect in such area, with effect from such date, and subject to such conditions, if any, as may be specified therein.

CHAPTER III.

VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES.

9. Marking of denominations on commercial weights and measures.- Every weight or measure manufactured for use as a commercial weight or measure shall bear the description which it purports to be, marked legibly on it in such manner as may be prescribed.

10. Prohibition of sale of unstamped commercial weights and measures.- No commercial weight or measure or weighing or measuring instrument shall be sold or delivered unless it has been verified or reverified in accordance with the rules made under this Act and stamped in the prescribed manner by an Inspector with stamp of verification under this Act.

11. Prohibition of use unstamped weights or measures.- No weight or measure or weighing or measuring instruments shall be used in transactions in trade or commerce unless it has been verified or reverified in accordance with the rules made under this Act and stamped in the prescribed manner by an Inspector, with a stamp of verification under the Act.

12. Power of State Government to exempt.- Where the size of a commercial weight or measure renders it impracticable to have any denomination marked on it under the provisions of section 9 or to be stamped under the provisions of section 10 or section 11, the State Government may, by notification in the Official Gazette, exempt such weights or measures from being so stamped.

13. Prohibition against manufacture etc., of weights and measures without license.- No person shall, in course of any trade, manufacture repair or sell any commercial weight or measure or any weighing or measuring instrument, unless he has obtained in the prescribed manner a license in this behalf from the State Government or such officer as the State Government may authorise in this behalf.

14. Marking of weight or measure on sealed containers.- No person shall sell, offer for sale, expose for sale, or have in his possession for sale, any article contained in a sealed package or container unless such package or container bears thereon, or on a label securely attached thereto, a description of the net weight or measure of the article contained therein.

15. Appointment of Controller, Assistant Controller and Inspectors.- (1) The State Government may appoint a Controller of Weights and Measures for the State and as many Assistant Controllers and Inspectors of Weights and Measures as may be necessary for exercising the powers and discharging the duties conferred or imposed on them by or under this Act.

(2) The State Government may, by general or special order, define the local limits within which each Inspector shall exercise the powers and discharge the duties conferred or imposed on Inspectors by or under this Act.

(3) Subject to the provisions of this Act, all Assistant controllers of Weights and Measures and Inspectors shall perform their functions under the general superintendence and control of the Controller; and the Controller and the Assistant Controllers of Weights and Measures may, in addition to the powers and duties conferred or imposed on them by or under this Act, exercise any power or discharge any duty so conferred or imposed on Inspectors.

(4) The Controller of Weights and Measures, every Assistant Controller and every Inspector appointed under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

16. Verification and stamping by Inspectors.- (1) Every Inspector shall, for the purpose of verification of weights and measures and weighing and measuring instruments, attend at such place and time within his jurisdiction as may be appointed in this behalf by the Controller.

(2) The Inspector shall verify every weight or measure or weighing or measuring instrument which is brought to him for the purpose of verification and if he finds such weight or measure or weighing or measuring instrument to be correct and in conformity with the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956) and the rules made thereunder, he shall stamp the same with a stamp of verification in the prescribed manner.

17. Power to Inspect etc.- (1) An Inspector may, within the area under his jurisdiction, inspect at all reasonable times, the weights, measures and weighing and measuring instruments which are used in transactions for trade or commerce or are in the possession of any person or are on any premises for such use and may verify every such weight or measure or weighing or measuring instrument with a secondary or working standard or weighing or measuring instrument prescribed for the purpose.

(2) For the purpose of verifying the correctness of any weight or measure used in any transaction, an Inspector may also verify the weight or measure of any article sold or delivered in the course of the transaction.

(3) An Inspector may, at all reasonable times, require any trader or any employee or agent of a trader to produce before him for inspection all weights, measures, weighing and measuring instruments which are used by him or are in his possession or are kept on any premises used for trade and all documents and records relating thereto and such trader, employee or agent shall comply with such requirements.

(4) An Inspector may seize and detain any weight or measure or weighing or measuring instrument regarding which an offence under this Act appears to have been committed or which appears to have been or which might be used in the commission of such an offence, and may also seize and detain any articles sold or delivered or caused to be sold or delivered by means of such weight or measure or weighing or measuring instrument together with any documents or records relating thereto.

(5) Where an Inspector has reasons to believe that a sealed package or container does not actually contain the net weight or measure of the article which it purports to contain, he may break open the sealed package or container and verify its contents; and if, on such verification, the net weight or measure of the article is found to be correct, he shall reseal the package or container where it is possible so to do without injury to the contents thereof and attach a certificate thereto stating the correct weight or measure of the article, but if, on the other hand, the net weight or measure of article is found to be incorrect, he may seize and detain the package or container and the article contained therein.

(6) For the purpose of such inspection, an Inspector may at all reasonable times, enter into any place where weights, measures or weighing or measuring instruments are used or kept for use in transactions for trade or commerce and inspect such weights and measures and weighing and measuring instruments.

18. Inspector not to be maker, adjuster or seller of weights and measures or weighing or measuring instruments.- An Inspector shall not be employed in the making, adjusting or selling of weights or measures or weighing or measuring instruments:

Provided that in any area in which it appears to the State Government desirable that an Inspector should be allowed to adjust or sell weights or measures, or weighing or measuring instruments, the State Government may, if it thinks fit, authorise such Inspector to adjust or sell weights, measures, or such instruments accordingly.

19. Manufacturers, etc., to maintain records and documents.- (1) Every manufacturer, repairer or dealer in weights and measures or weighing or measuring instruments, and every person using them in transactions for trade or commerce shall maintain such records and accounts as may be prescribed and if required to do so by an Inspector, shall produce such records and accounts before him.

(2) Notwithstanding anything contained in sub-section (1), if the State Government is of opinion that having regard to the nature of business carried on by such manufacturer, repairer or dealer, it is necessary so to do, it may, by order, exempt such person or class of persons from the operation of that sub-section.

20. Appeals.- (1) Any person aggrieved by any decision of an Inspector under this Act, may within sixty days from the date of the decision, prefer an appeal to the Controller or any Assistant Controller of Weights and Measures specially authorised in this behalf by the State Government.

(2) Any person aggrieved by any original decision of the Controller or an Assistant Controller of Weights and Measures under this Act, may within sixty days from the date of the decision, prefer an appeal to the State Government.

(3) On receipt of an appeal under sub-section (1), or (2), the appellate authority shall, after giving the person concerned a reasonable opportunity of being heard, decide the appeal and the decision of the Appellate authority shall be final.

21. Levy of fees.- The State Government shall charge such fees:-

(a) for the grant of license under section 13, for manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments; and

(b) for the verification, marking stamping and adjustment of commercial weights and measures and weighing and measuring instruments;

as may be prescribed.

22. Validity of weights and measures duly stamped.- A weight or measure or weighing or measuring instrument, duly stamped by an Inspector under this Act, shall be a legal weight or measure or weighing or measuring instrument in all places in which this Act has come into force unless it is found to be false or defective and shall not be liable to be re-stamped by reason merely of the fact that it is used in any place other than that in which it was originally stamped.

CHAPTER IV.

PENALTIES.

23. Penalty for sale or delivery by weight or measure other than standard weight or measure.- Whoever, after the expiry of three months from the commencement of this section, sells or causes to be sold or delivers or causes to be delivered in the course of any transaction for trade or commerce any article by any denomination of weight or measure other than one of the standard weights or measures shall, on conviction, be punished with a fine which may extend to two thousand rupees and for every succeeding offence, with imprisonment for a period which may extend to three months and with fine.

24. Penalty for sale of unstamped weights and measures.- Whoever sells or delivers any weight or measure or any weighing or measuring instrument which has not been verified or reverified or stamped in accordance with the provisions of this Act and the rules made thereunder shall, on conviction, be punished with fine which may extend to one thousand rupees.

25. Penalty for use of unstamped weights and measures.- Whoever uses in any transaction for trade or commerce, or has in possession for such use, any weight or measure or any weighing or measuring instrument which has not been verified or reverified or stamped in accordance with the provisions of this Act and the rules made thereunder shall, on conviction be punished for a first offence with fine which may extend to one thousand rupees, and for every succeeding offence, with imprisonment for a period which may extend to three months and with fine.

Explanation 1. - When any such weight or measure or weighing or measuring instrument is found in the possession of any trader or any employee or agent of such trader, such trader, employee or agent shall be presumed, until the contrar is proved, to have had it in his possession ~~xxxxx~~ for use in transactions for trade or commerce.

Explanation 2. - Where any weight or measure or weighing or measuring instrument is ~~xxx~~ used or possessed in contravention of this section by any employee or agent of a trader on behalf of such a trader, such trader shall, unless he proves that the offence under this section was committed by his employee or agent without his knowledge or consent, be also deemed to be guilty of such offence.

26. Penalty of manufacture of weights, etc., without licence.- If any person manufactures, repairs, or sells any weight or measure or weighing or measuring instrument, without obtaining a licence as required by section 13, shall on conviction be punished with imprisonment for a period which may extend to three months, or with fine, or with both.

27. Penalty for use of weight or measure in contravention of section 8.- Whoever contravenes any of the provisions of a notification issued under section 8 shall be punished with fine which may extend to one thousand rupees.

28. Penalty for failure to mark weight or measure on sealed containers.- Whoever contravenes the provisions of sec 14 shall on conviction be punished with fine which may extend to one thousand rupees.

29. Penalty for fraudulent use of weights, measures etc.- Whoever fraudulently uses any standard weight or measure or weighing or measuring instrument which he knows to be false shall on conviction, be punished with imprisonment for a period which may extend to one year, or with fine or with both.

30. Penalty for being in possession of false weight or measure, etc.,- Whoever is in possession of any commercial weight or measure or weighing or measuring instrument which he knows to be false intending that the same may be fraudulently used, shall on conviction be punished, with imprisonm for a period which may extend to one year, or with fine or w

31. Penalty for making or for selling false weight or measure etc.- Whoever makes, sells or disposes of or causes to be made, sold or disposed of any standard weight or measure or weighing or measuring instruments which he knows to be false, in order that the same may be used as true, or knowing that the same is likely to be used as true, shall on conviction, be punished with imprisonment for a period which may extend to one year, or with fine or with both.

32. Penalty for giving short weight or measure.- Whoever in selling any article by weight or measure, delivers or causes to be delivered to the purchaser less than what is purported to be sold shall, if the deficiency exceeds the prescribed limit of error shall on conviction be punished with fine which may extend to three hundred rupees.

33. Penalty for forging, etc., of weights, measures etc.- (1) Whoever forges or counterfeits any stamp used under this Act for the stamping of any standard weight or measure or weighing or measuring instrument or possesses any such counterfiet stamp, or measure or weighing or measuring instrument and inserts the same into another weight or measure or weighing or measuring instrument or wilfully increases or diminishes a weight or measure so stamped, shall on conviction be punished with imprisonment for a period which may extend to one year, or with fine, or with both.

(2) Whoever knowingly uses, sells, utters, disposes of or exposes for sale any weight or measure or weighing or measuring instrument with such forged or counterfeit stamp thereon, or a weight or a measure so increased or diminished shall on conviction be punished with imprisonment for a period which may extend to six months or with fine, or with both.

34. Penalty for neglect on refusal to produce weight or measure etc., for inspection.-

Whoever -

(a) refuses or neglects to produce for inspection under section 17, any weight or measure or weighing or measuring instrument or any document or record relating thereto in his possession or on his premises, or

(b) refuses to permit an Inspector to inspect and verify any such weight, measure, instrument, document on record; or

(c) obstructs the entry of an Inspector under section 17, or

(d) otherwise obstructs or hinders an Inspector in the performance of his duties under this Act, shall on conviction be punished with fine which may extend to five hundred rupees.

35. Penalty for breach of duty by Inspector.- In an Inspector knowingly stamps a weight or measure or weighing or measuring instrument in contravention of the provisions of this Act or of the rules made thereunder, he shall on conviction be punished with imprisonment for a period which may extend to one year, or with fine, or with both.

CHAPTER V - MISCELLANEOUS.

36. Protection of persons acting in good faith.- No officer or servant of the State Government shall be liable in respect of any act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of the functions imposed by or under the Act.

37. Cognizance of officers etc.- (1) No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by the Controller or any officer authorised in this behalf by the Controller by general or special order.

(2) No court inferior to that of a magistrate of the first class shall try any offence punishable under this Act.

38. Stamped weights etc., to be presumed to be correct.- A weight or measure or weighing or measuring instrument duly stamped under the provisions of this Act and the rules made thereunder shall be presumed to be correct until its inaccuracy is proved, if this is produced in any court by any Inspector having charge thereof or by any person acting under the general or special authority of the Controller.

39. Offences by companies.- (1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in-charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the offence was committed without his knowledge or that he exercised all due deligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in ~~xxxx~~ sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:- For the purposes of this section:-

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

40. Delegation of powers:- The State Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act or rules made thereunder shall, in relation to such matters and subject to such conditions, as may be specified in the direction, be exercisable also by such officer or authority subordinate to the State Government as may be specified in the notification.

Provided that nothing contained in this section shall apply to any power of the State Government to make rules under this Act.

41. Limits of error to be tolerated in weights and Measures.- Subject to any rules that may be made under the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956) in this behalf, the State Government may prescribe the limits of error which may be tolerated:-

(a) in secondary standards referred to in section 4:

(b) in working standards referred to in section 3:

(c) in commercial weights and measures or in selling articles by weight or measure generally or as regards any trade or class of trades; and

(d) weighing and measuring instruments;

42. Power to make Rules.- (1) The State Government may, by notification in the Official Gazette, make rules to carry out the purpose of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the material of which and the designs and specificatior according to which working standards be made, the agency by which such standards may be prepared, the person by whom or the authorit by which and the manner in which such standards may be stamped and authenticated; the places at which and the custody and manner in which such standards may be kept;

(b) the procedure for the verification or reverification an marking of working standards, the persons by whom, the places at which and the intervals at which, they may be marked;

(c) the material of which and the designs and specification according to which secondary standards may be made, the places at which and the custody and manner in which such standards may be kept;

(d) the procedure for the verification or reverification and marking of secondary standards and the manner in which they may be marked;

(e) the number of weighing and measuring instruments to be kept, the manner in which they may be verified and stamped and necessary particulars regarding the same;

(f) the manner in which commercial weights and measures may be marked by manufacturers;

(g) the form and manner in which, and the conditions subject to which licences may be granted to persons for manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments;

(h) the qualifications, functions and duties generally of Inspectors under this Act;

(i) verification and stamping of weights and measures and weighing and measuring instruments and the period within which they are to be ~~xxxxx~~ reverified;

(j) inspection of weights and measures and weighing and measuring instruments used in transactions for trade or commerce;

(k) the seizure, detention and disposal of weights and measures which are not authorised by this Act;

(l) the books, accounts and records relating to weights and measures and weighing and measuring instruments to be maintained and the manner in which they may be maintained or produced;

(m) the limits of error which may be tolerated in secondary or working standards;

(n) the limits of error which may be tolerated in weights and measures and weighing and measuring instruments used or intended to be used in transactions for trade or commerce;

(o) the limits of error which may be tolerated in selling articles by weight and measures generally or as regards any trade or class of trades;

(p) the form and manner in which appeals may be preferred against decisions of Inspectors and the procedure for hearing appeals;

(q) the fees which may be charged for the grant of licences under section 13 and for verification, reverification, adjustment and stamping of weights and measures and weighing and measuring instruments and the collection and levy of the same;

(r) Any other matter which has to be, or may be, prescribed;

(3) in making any rule under this section the State Government may provide that a breach thereof shall be punishable with fine which may extend to five hundred rupees.

(4) The power to make rules under this section shall be subject to the condition of previous publication in the Official Gazette.

43. <u>Rules and orders to be laid before the State Legislature</u>.- Every notification issued under section 8 or section 12 and every rule made under section 42 shall as soon as may be after it is issued be laid before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of the said periods, either House of the State Legislature makes any modification in the notification or rule, or directs that the notification or rule shall not have effect and if the modification or direction is agreed to by the other House, the notification or rule shall thereafter have effect only in such modified form or be of no effect as the case may be.

44. <u>Repeal and Saving</u>.- (1) On the coming into force of the Mysore Weights and Measures (Enforcement) Act, 1958 or any part thereof in any area or areas -

The Bombay Weights and Measures Act, 1932 (Bombay Act XV of 1932), as in force in the Bombay Area; the Coorg Weights and Measures Act, 1954 (Coorg Act VII of 1954) as in force in the Coorg District; the Hyderabad Weights and Measures Act, 1356F (Hyderabad Act XIV of 1356 Fasli) as in force in the Hyderabad Area; the Madras Weights and Measures Act, 1948 (Madras Act XXII of 1948) as in force in the Madras Area; the Madras Weights and Measures Act, 1948 (Madras Act XXII of 1948) as in force in the Bellary District; the Mysore Measures of Length Act, 1890 (Mysore Act III of 1890) and the Mysore Weights and Measures Act, 1902 (Mysore Act III of 1902) shall to the extent to which they contain any provision which corresponds to any provision of this Act, stand repealed in such area or areas:

Provided that such repeal shall not affect -

(a) the previous operation of the said enactments or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said enactments; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, any any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further thall all appointments made, notifications and notices issued, rules byelaws and orders made, contracts entered into under any repealed enactment shall, so far as they are not inconsistent with the provisions of this Act and the Rules continue in force and be deemed to have been made, issued and entered into under this Act.

(2) If, immediately before the commencement of this Act or any provision thereof in respect of any area or class of goods or undertakings, there is in force in respect of that area or class of goods or undertakings, any law which corresponds to this Act or to any provision thereof and which is not repealed by sub-section (1), that corresponding law shall stand repealed.

THE MYSORE WEIGHTS AND MEASURES (ENFORCEMENT) BILL, 1958.

A Bill to provide for the enforcement of standard weights and measures and for matters connected therewith.

WHEREAS it is expendient to provide for the enforcement of ıdard weights and measures and for matters connected therewith;

BE it enacted by the Mysore State Legislature in the Ninth ır of the Republic of India as follows:—

CHAPTER I

PRELIMINARY.

1. Short title, extent and commencement.—(1) This Act may be led the Mysore Weights and Measures (Enforcement) Act, 1958.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Govern- nt may, by notification in the Official Gazette, appoint; and erent dates may be appointed for different provisions of this Act for different areas or for different classes of undertakings or for erent classes of goods.

2. Definitions.—In this Act, unless the context otherwise uires,—

(a) "commercial weight or measure" means a weight or measure purporting to be a standard weight or measure used in any transactions for trade or commerce.

(b) "Controller" means the Controller of Weights and Measures appointed under section 15.

(c) "Inspector" means an Inspector of Weights and Measures appointed under section 15.

(d) "measuring instrument" means any measuring instrument other than a weighing instrument and includes any instrument for the measurement of length, area, volume or capacity.

(e) "Mint" means the mint of the Central Government either in Bombay or in Calcutta.

(f) "prescribed" means prescribed by rules made under this Act.

(g) "standard weight or measure" means any unit of mass o measure referred to in sub-section (1) of section 13 of th Standards of Weights and Measures Act, 1956 (Centra Act 89 of 1956) and includes any other weight or measur permitted to be continued to be used by the Centra Government in pursuance of sub-section (1) of section 1 of the said Act.

(h) "reference standards" means the sets of standar weights and measures supplied to the State Governmen by the Central Government in pursuance of sub-section (2) of section 15 of the Standards of Weights and Measure Act, 1956.

(i) "Rules" means rules made under section 42.

(j) "stamping" includes casting, engraving, etching, brandin or otherwise marking in such manner as to be, so far a practicable, indelible and the expression "stamp" an other expressions relating thereto shall be construe accordingly.

(k) "verification" with its grammatical variations used wit reference to a weight or measure or weighing or measur ing instrument, includes the process of comparing checking or testing such weight or measure or weighin or measuring instrument and also includes re-verification

(l) "weighing instrument" means any instrument used fo weighing and includes scales with the weights belongin thereto, scale-beams, balances, spring balances, stell yard and other weighing machines.

CHAPTER II

STANDARD WEIGHTS AND MEASURES.

Working standards.—(1) For the purpose of verifying th correctness of commercial weights and measures and weighing an measuring instruments used in transactions for trade or commerce the State Government shall cause to be prepared such number o authenticated sets of standard weights and measures as they may thin fit to be working standards, and special sets of working standards i relation to bullion and precious stones may also be prepared.

(2) The working standards shall be made of such material an according to such designs and specifications and shall be prepared b such agency and shall be stamped and authenticated by such perso or authority and in such manner as may be prescribed.

(3) The working standards shall be kept by such officers as State Government may direct at such places, and in such manner may be prescribed.

(4) A working standard shall be verified with the second standard and marked by such persons, at such places, at such inter and in such manner as may be prescribed:

Provided that a special working standard in relation to bull and precious stones shall be verified with the reference standard.

(5) A working standard which is not so verified and mar within the prescribed period shall not be deemed legal or be used for the purposes of this Act.

(6) A working standard which has become defective shall not be deemed legal or be used for the purposes of this Act, until it has been verified and marked in the prescribed manner.

4. Secondary standards.—(1) For the purpose of verifying the correctness of the working standards, the State Government may cause to be prepared at the Mint such number of authenticated sets of standard weights and measures as they may think fit. Such sets shall be called the secondary standards.

(2) The secondary standards shall be made of such material and according to such design and specifications as may be prescribed and shall be stamped and authenticated by such person or authority as the Central Government may direct.

(3) The secondary standards shall be kept by such officers, as the State Government may direct, at such places, and in such manner as may be prescribed.

(4) A secondary standard shall be verified with the reference standard at least once in every period of five years and shall be marked with the date of verification in the prescribed manner by such person or authority as the State Government may direct.

(5) A secondary standard which is not so verified and maked within the aforesaid period shall not be deemed legal and shall not be used for the purposes of this Act.

5. Reference Standards.—The reference standards shall be kept by such officers, at such places, and in such manner as the State Government may direct.

6. Standard weighing and measuring instruments.—(1) For the purpose of verifying the correctness of commercial weights and

measures and of weighing and measuring instruments used in transactions for trade or commerce, the State Government may cause to be prepared as many sets of weighing and measuring instruments as it may deem necessary.

(2) Such instruments shall be of such kind, kept in such number and shall be verified and stamped in such manner as may be prescribed.

(3) Such instruments shall be kept at all places where secondary standards or working standards are kept.

7. Prohibition of use of weights and measures other than standard weights and measures.—(1) Notwithstanding anything contained in any other law or any custom, usage or practice, no unit of mass or measure, other than the standard weights or measures shall be used in any transactions for trade or commerce or any dealing or contract or for any work to be done or goods to be sold or delivered in any area or class of goods or undertakings in respect of which this Act has come into force.

(2) Any custom, usage, practice or method of whatever nature which permits in any trade, a trader, seller or buyer to demand, receive or cause to be demanded or received any quantity of article in excess of, or less than, the quantity fixed by the weight or measure by which the contract or dealing in respect of the said article has been made, shall be void.

(3) Any transaction, dealing or contract, had or made after the expiry of three months from the commencement of this Act shall, insofar as it contravenes the provisions of sub-section (1), be void.

8. Power to prescribe the use of weights only, or measures only, in certain cases.—~~(1)~~ Notwithstanding anything contained in this Act, the State Government may, by notification in the official Gazette, direct that in any specified trade or class of trades, no transaction, dealing or contract shall be made or had except by weight only, or except by measure only, and such notification shall take effect in such area, with effect from such date, and subject to such conditions, if any, as may be specified therein.

CHAPTER III.

VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES.

9. Marking of denominations on weights and measures.—Every weight or measure manufactured for use as commercial weight or

measure shall bear the description which it purports to be marked legibly on it in such manner as may be prescribed.

10. Prohibition of sale of unstamped weights and measures.—No commercial weight or measure or weighing or measuring instrument shall be sold or delivered unless it has been verified or reverified in accordance with the rules made under this Act and stamped in the prescribed manner by an Inspector with a stamp of verification under this Act.

11. Prohibition of use of unstamped weights or measures.—No weight or measure or weighing or measuring instruments shall be used in transactions in trade or commerce unless it has been verified or reverified in accordance with the rules made under this Act and stamped in the prescribed manner by an Inspector, with a stamp of verification under the Act.

12. Power of State Government to exempt.—Where the size of a commercial weight or measure renders it impracticable to have any denomination marked on it under the provisions of section 9 or to be stamped under the provisions of section 10 or section 11, the State Government may, by notification in the official Gazette, exempt such weights or measures from being so stamped.

13. Prohibition against manufacture etc., of weights and measures without licence.—No person shall, in course of any trade, manufacture, repair or sell any commercial weight or measure or any weighing or measuring instrument, unless he has obtained in the prescribed manner a licence in this behalf from the State Government or such officer as the State Government may authorise in this behalf.

14 Marking of weight or measure on sealed containers.—No person shall sell, offer for sale, expose for sale, or have in his possession for sale, any article contained in a sealed package or container unless such package or container bears thereon, or on a label securely attached thereto, a description of the net weight or measure of the article contained therein.

15. Appointment of Controller, Assistant Controller and Inspectors.—(1) The State Government may appoint a Controller of Weights and Measures for the State and as many Assistant Controllers and Inspectors of Weights and Measures as may be necessary for exercising the powers and discharging the duties conferred or imposed on them by or under this Act.

(2) The State Government may, by general or special order, define the local limits within which each Inspector shall exercise the powers and discharge the duties conferred or imposed on Inspectors by or under this Act.

(3) Subject to the provisions of this Act, all Assistant Controllers of Weights and Measures and Inspectors shall perform their functions under the general superintendence and control of the Controller; and the Controller and the Assistant Controllers of Weights and Measures may, in addition to the powers and duties conferred or imposed on them by or under this Act, exercise any power or discharge any duty so conferred or imposed on Inspectors.

(4) The Controller of Weights and Measures, every Assistant Controller and every Inspector appointed under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

16. Verification and stamping by Inspectors.—(1) Every Inspector shall, for the purpose of verification of weights and measures and weighing and measuring instruments, attend at such place and time within his jurisdiction as may be appointed in this behalf by the Controller.

(2) The Inspector shall verify every weight or measure or weighing or measuring instrument which is brought to him for the purpose of verification and if he finds such weight or measure or weighing or measuring instrument to be correct and in conformity with the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956), and the rules made thereunder, he shall stamp the same with a stamp of verification in the prescribed manner.

17. Power to Inspect etc.—(1) An Inspector may, within the area under his jurisdiction, inspect at all reasonable times, the weights, measures and weighing and measuring instruments which are used in transactions for trade or commerce or are in the possession of any person or are on any premises for such use and may verify every such weight or measure or weighing or measuring instrument with a secondary or working standard or weighing or measuring instrument prescribed for the purpose.

(2) For the purpose of verifying the correctness of any weight or measure used in any transaction, an Inspector may also verify the weight or measure of any article sold or delivered in the course of the transaction.

(3) An Inspector may, at all reasonable times, require any trader or any employee or agent of a trader to produce before him

for inspection, all weights and measures, weighing and measuring instruments which are used by him or are in his possession or are kept on any premises used for trade and all documents and records relating thereto and such trader, employee or agent shall comply with such requirements.

(4) An Inspector may seize and detain any weight or measure or weighing or measuring instrument regarding which an offence under this Act appears to have been committed or which appears to have been or which might be used in the commission of such an offence, and may also seize and detain any articles sold or delivered or caused to be sold or delivered by means of such weight or measure or weighing or measuring instrument together with any documents or records relating thereto.

(5) Where an Inspector has reasons to believe that a sealed package or container does not actually contain the net weight or measure of the article which it purports to contain, he may break open the sealed package or container and verify its contents; and if, on such verification, the net weight or measure of the article is found to be correct, he shall reseal the package or container where it is possible so to do without injury to the contents thereof and attach a certificate thereto stating the correct weight or measure of the article, but if, on the other hand, the net weight or measure of article is found to be incorrect, he may seize and detain the package or container and the article contained therein.

(6) For the purpose of such inspection, an Inspector may, at all reasonable times, enter into any place where weights, measures or weighing or measuring instruments are used or kept for use in transactions for trade or commerce and inspect such weights and measures and weighing and measuring instruments.

18. Inspector not to be maker, adjuster or seller of weights and measures or weighing or measuring instruments.—An Inspector shall not be employed in the making, adjusting or selling of weights or measures or weighing or measuring instruments:

Provided that in any area in which it appears to the State Government desirable that an Inspector should be allowed to adjust or sell weights or measures, or weighing or measuring instruments, the State Government may, if it thinks fit, authorise such Inspector to adjust or sell weights, measures, or such instruments accordingly.

19. Manufacturers etc. to maintain records and documents.—(1) Every manufacturer, repairer or dealer in weights and measures or weighing or measuring instruments, and every person using them in

transactions for trade or commerce shall maintain such records an accounts as may be prescribed and if required to do so by an Ins pector, shall produce such records and accounts before him.

(2) Notwithstanding anything contained in sub-section (1), i the State Government is of opinion that having regard to the natur of business carried on by such manufacturer, repairer or dealer, it i necessary so to do, it may, by order, exempt such person or class c persons form the operation of that sub-section.

20. Appeals—(1) Any person aggrieved by any decision of a Inspector under this Act may, within sixty days from the date of th decision, prefer an appeal to the Controller or any Assistant Con troller of Weights and Measures specially authorised in this behalf b the State Government.

(2) Any person aggrieved by any original decision of th Controller or an Assistant Controller of Weights and Measures unde this Act, may within sixty days from the date of the decision, prefe an appeal to the State Government.

(3) On receipt of an appeal under sub-section (1) or (2), th appellate anthority shall, after giving the person concerned a reasona ble opportunity of being heard, decide the appeal and the decisio of the appellate authority shall be final.

21. Levy of fees.—The State Government shall charge such fees :—

(*a*) for the grant of license under section 13, for manufacture repair or sale of commercial weights and measures and weighing and mesuring instruments; and

(*b*) for the verification, marking, stamping and adjustment of commercial weights and measures and weighing and measuring instruments ;

as may be prescribed.

22. Validity of weights and measures duly stamped.—A weight or measure or weighing or measuring instrument, duly stamped by an Inspector under this Act, shall be a legal weight or measure or weighing or measuring instrument in all places in which this Act has come into force unless it is found to be false or defective and shall not be liable to be re-stamped by reason merely of the fact that it is used in any place other than that in which it was originally stamped

CHAPTER IV

PENALTIES.

23. Penalty for sale or delivery by weight or measure other than standard weight or measure.—Whoever, after the expiry of three months from the commencement of this section, sells or causes to be sold or delivers or causes to be delivered in the course of any transaction for trade or commerce any article by any denomination of weight or measure other than one of the standard weights or measures shall, on conviction, be punished with a fine which may extend to two thousand rupees and for every succeeding offence, with imprisonment for a period which may extend to three months and with fine.

24. Penalty for sale of unstamped weights and measures.—Whoever sells or delivers any weight or measure or any weighing or measuring instrument which has not been verified or re-verified or stamped in accordance with the provisions of this Act and the rules made thereunder shall, on conviction, be punished with fine which may extend to one thousand rupees.

25. Penalty for use of unstamped weights and measures.—Whoever uses in any transaction for trade or commerce, or has in possession for such use, any weight or measure or any weighing or measuring instrument which has not been verified or re-verified or stamped in accordance with the provisions of this Act and the rules made thereunder shall, on conviction, be punished for a first offence with fine which may extend to one thousand rupees, and for every succeeding offence, with imprisonment for a period which may extend to three months and with fine.

Explanation 1.—When any such weight or measure or weighing or measuring instrument is found in the possession of any trader or any employee or agent of such trader, such trader, employee or agent shall be presumed, until the contrary is proved, to have had it in his possession for use in transactions for trade or commerce.

Explanation 2.—Where any weight or measure or weighing or measuring instrument is used or possessed in contravention of this section by any employee or agent of a trader on behalf of such a trader, such trader shall, unless he proves that the offence under this section was committed by his employee or agent without his knowledge or consent, be also deemed to be guilty of such offence.

26. Penalty for manufacture of weights, etc., without licence.—If any person manufactures, repairs, or sells any weight or measure or

weighing or measuring instrument, without obtaining a licence as required by section 13, shall, on conviction, be punished with imprisonment for a period which may extend to three months, or with fine, or with both.

27. Penalty for use of weight or measure in contravention of section 8.—Whoever contravenes any of the provisions of a notification issued under section 8 shall, on conviction, be punished with fine which may extend to one thousand rupees.

28. Penalty for failure to mark weight or measure on sealed containers.—Whoever contravenes the provisions of section 14 shall on conviction be punished with fine which may extend to one thousand rupees.

29. Penalty for fraudulent use of weights, measures, etc.—Whoever fraudulently uses any standard weight or measure or weighing or measuring instrument which he knows to be false, shall, on conviction, be punished with imprisonment for a period which may extend to one year, or with fine or with both.

30. Penalty for being in possession of false weight or measure, etc.—Whoever is in possession of any commercial weight or measure or weighing or measuring instrument which he knows to be false, intending that the same may be fraudulently used, shall, on conviction be punished, with imprisonment for a period which may extend to one year, or with fine or with both.

31. Penalty for making or for selling false weight or measure, etc.—Whoever makes, sells or disposes of or causes to be made, sold or disposed of any standard weight or measure or weighing or measuring instrument which he knows to be false, in order that the same may be used as true, or knowing that the same is likely to be used as true, shall, on conviction, be punished with inprisonment for a period which may extend to one year, or with fine or with both.

32. Penalty for giving short weight or measure.—Whoever in selling any article by weight or measure, delivers or causes to be delivered to the purchaser less than what is purported to be sold shall, if the deficiency exceeds the prescribed limit of error, on conviction be punished with fine which may extend to three hundred rupees.

33. Penalty for forging, etc., of weights, measures, etc.—(1) Whoever forges or counterfeits any stamp used under this Act for the stamping of any standard weight or measure or weighing or measu-

ing instrument or possesses any such counterfeit stamp, or removes a stamp from any standard weight or measure or weighing or measuring instrument and inserts the same into another weight or measure or weighing or measuring instrument or wilfully increases or diminishes a weight or measure so stamped, shall, on conviction be punished with imprisonment for a period which may extend to one year, or with fine, or with both.

(2) Whoever knowingly uses, sells, utters, disposes of or exposes for sale any weight or measure or weighing or measuring instrument with such forged or counterfeit stamp thereon, or a weight or a measure so increased or diminished, shall, on conviction be punished with imprisonment for a period which may extend to six months or with fine, or with both.

34. Penalty for neglect or refusal to produce weight or measure, etc., for inspection —Whoever :—

(*a*) refuses or neglects to produce for inspection under section 17, any weight or measure or weighing or measuring instrument or any document or record relating thereto in his possession or on his premises, or

(*b*) refuses to permit an Inspector to inspect and verify any such weight, measure, instrument, document or record; or

(*c*) obstructs the entry of an Inspector under section 17, or

(*d*) otherwise obstructs or hinders an Inspector in the performance of his duties under this Act, shall on conviction be punished with fine which may extend to five hundred rupees.

35. Penalty for breach of duty by inspector.—If an Inspector knowingly stamps a weight or measure or weighing or measuring instrument in contravention of the provisions of this Act, or of the rules made thereunder, he shall, on conviction, be punished with imprisonment for a period which may extend to one year, or with fine or with both.

CHAPTER V.

MISCELLANEOUS.

36. Protection of persons acting in good faith.—No officer or servant of the State Government shall be liable in respect of any act in any civil or criminal proceeding if the act was done in good faith

in the course of the execution of duties or the discharge of the functions imposed by or under the Act.

37. Cognizance of offences etc.—(1) No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by the Controller or any officer authorised in this behalf by the Controller by general or special order.

(2) No court inferior to that of a Magistrate of the First Class shall try any offence punishable under this Act.

38. Stamped weights etc., to be presumed to be correct.—A weight or measure or weighing or measuring instrument duly stamped under the provisions of this Act and the rules made thereunder shall be presumed to be correct until its inaccuracy is proved, if this is produced in any court by any Inspector having charge thereof or by any person acting under the general or special authority of the Controller.

39. Offences by companies.—(1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in-charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or conivannce of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation :—For the purposes of this section :—

(*a*) "company" means any body corporate and includes a firm or other association of individuals ; and

(*b*) "director", in relation to a firm, means a partner in the firm.

40. Delegation of powers.—The State Government may, by notification in the official Gazette, direct that any power exercisable

by it under this Act or rules made thereunder shall, in relation to such matters and subject to such conditions, as may be specified in the direction be exercisable also by such officer or authority subordinate to the State Government as may be specified in the notification:

Provided that nothing contained in this section shall apply to any power of the State Government to make rules under this Act.

41. **Limits of error to be tolerated in weights and measures.**—Subject to any rules that may be made under the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956) in this behalf, the State Government may prescribe the limits of error which may be tolerated :—

(*a*) in secondary standards referred to in section 4;

(*b*) in working standards referred to in section 3;

(*c*) in commercial weights and measures or in selling articles by weight or measure generally or as regards any trade or class of trades; and

(*d*) weighing and measuring instruments;

42. **Power to make rules.**—(1) The State Government may, by notification in the official Gazette, make rules to carry out the purpose of this Act.

(2) In particular, and without prejudice to generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the material of which and the designs and specifications according to which working standards be made, the agency by which such standards may be prepared, the person by whom or the authority by which and manner in which such standards may be stamped and authenticated; the places at which and the custody and manner in which such standards may be kept;

(*b*) the procedure for the verification or reverification and marking of working standards, the persons by whom, the places at which and the intervals at which, they may be marked;

(*c*) the material of which and the designs and specifications according to which secondary standards may be made, the places at which and the custody and manner in which such standards may be kept;

(*d*) the procedure for the verification or reverification and marking of secondary standards and the manner in which they may be marked;

(*e*) the number of weighing and measuring instruments to be kept, the manner in which they may be verified and stamped and necessary particulars regarding the same;

(*f*) the manner in which commercial weights and measures may be marked by manufacturers;

(*g*) the form and manner in which, and the conditions suject to which licence may be granted to persons for manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments;

(*h*) the qualifications, functions and duties generally of Inspectors under this Act;

(*i*) verification and stamping of weights and measures and wighing and measuring instruments and the period within which they are to be reverified;

(*j*) inspection of weights and measures and weighing and measuring instruments used in transactions for trade or commerce

(*k*) the seizure, detention and disposal of weights and measures which are not authorised by this Act;

(*l*) the books, accounts and records relating to weights and measures and weighing and measuring instruments to be maintained and the manner in which they may be maintained or produced;

(*m*) the limits of error which may be tolerated in secondary or working standards;

(*n*) the limits of error which may be tolerated in weights and measures and weighing and measuring instruments used or intended to be used in transactions for trade or commerce;

(*o*) the limits of error which may be tolerated in selling articles by weights and measures generally or as regards any trade or class of trades;

(*p*) the form and manner in which appeals may be preferred under Section 20, and the procedure for hearing appeals;

(*q*) the fees which may be charged for the grant of licences under Section 13 and for verification, reverification, adjustment and stamping of weights and measures and weighing and measuring instruments and the collection and levy of the same;

(r) Any other matter which has to be, or may be, prescribed.

(3) In making any rule under this section, the State Government may provide that a breach thereof shall be punishable with fine which may extend to five hundred rupees.

(4) The power to make rules under this section shall be subject to the condition of previous pulication in the official Gazette.

43. Rules and orders to be laid before the State Legislature.—Every notification issued under section 8 or section 12 and every rule made under section 42 shall as soon as may be after it is issued. be laid before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of the said periods, either House of the State Legislature makes any modification in the notification or rule, or directs that the notification or rule shall not have effect and if the modification or direction is agreed to by the other House, the notification or rule shall thereafter have effect only in such modified form or be of no effect as the case may be.

44. Repeal and Saving.—(1) On the coming into force of the Mysore Weights and Measures (Enforcement) Act, 1958 or any part thereof in any area or areas.—

the Bombay Weights and Measures Act, 1932 (Bombay Act XV of 1932), as in force in the Bombay Area; the Coorg Weights and Measures Act, 1954 (Coorg Act VII of 1954) as in force in the Coorg District; the Hyderabad Weights and Measures Act, 1356F (Hyderabad Act XIV of 1356 Fasli) as in force in the Hyderabad Area; the Madras Weights and Measures Act, 1948 (Madras Act XXII of 1948) as in force in the Madras Area; the Madras Weights and Measures Act, 1948 (Madras Act XXII of 1948) as in force in the Bellary District; the Mysore Measures of Length Act, 1890 (Mysore Act III of 1890) and the Mysore Weights and Measures Act, 1902 (Mysore Act III of 1902) as in force in the Mysore Area, shall, to the extent to which they contain any provision which corresponds to any provision of this Act, stand repealed in such area or areas:

Provided that such repeal shall not affect—

(a) the previous operation of the said enactments or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said enactments; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that all appointments made, notifications and notices issued, rules, bye-laws and orders made, contracts entered into under any repealed enactments shall, so far as they are not inconsistent with the provisions of this Act and the Rules, continue in force and be deemed to have been made, issued and entered into under this Act.

(2) If, immediately before the commencement of this Act or any provision thereof in respect of any area or class of goods or undertakings, there is in force in respect of that area or class of goods or undertakings, any law which corresponds to this Act or to any provision thereof and which is not repealed by sub-section (1), that corresponding law shall stand repealed.

Statement of Objects and Reasons.

The Central Government have decided to introduce the metric system of weights and measures throughout the country. The Standards of Weights and Measures Act, 1956, prescribing metric standards has also been passed by the Parliament. The enforcement of these standards rests with the State Government. In the new Mysore State there are five different Weights and Measures Acts in different areas. The proposed Bill seeks to put an end to the diversity of weights and measures prevalent in different areas of the State and also to implement the decision of Parliament to introduce the metric system in the country.

The main features of the bill are:

(i) introduction of Metric Weights and Measures and integral multiples and sub-multiples thereof for use in the State;

(ii) testing and custody of reference, secondary and working standards;

(iii) verification and stamping of weights and measures, weighing and measuring instruments; and

(iv) appointment of Inspectors invested with certa jurisdiction, powers and duties, including power to seize fal weights or measures, etc.

S. NIJALINGAPP.

Financial Memorandum.

The financial implications in bringing out the new legislation Weights and Measures involves an additional non-recurri expenditure of Rs. 37 lakhs and a recurring expenditure Rs. 5,45,255. The recurring expenditure includes the prese expenditure of Rs. 3,49,259 on the existing staff. The extra co involved on account of the implementation of the scheme will b Rs. 1,95,996 after the entire staff asked for is sanctioned. The non recurring expenditure is proposed to be phased over for a period three years and the Centre is sharing half of this expenditure. Th proposed enactment is expected to yield an additional revenue c about Rs. 2 lakhs.

GOVERNMENT OF MYSORE

No. Law 43 LGN 58
Encl. 3.
Issued 28/4.

Mysore Government Secretariat,
VIDHANA SOUDHA,

Dated, Bangalore, 25th April 1958
Vishaka 5, Saka 1880.

FROM

The *Secretary to the Government of Mysore,*
Law Department.

To

The Secretary,
Mysore Legislative Assembly,
Bangalore.

Subject:- The Mysore Weights and Measures (Enforcement) Bill, 1958.

Sir,

I am directed to forward herewith three copies of the Mysore Weights and Measures (Enforcement) Bill, 1958 to be introduced during the current session of the Mysore Legislative Assembly and to request that the Speaker may kindly be moved under rule 48 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, to order the publication of the Bill with the Statement of Objects and Reasons and the Financial Memorandum in the Mysore Gazette to enable the members to study the Bill and send amendments in advance.

Yours faithfully,

(R.P.Vasudeo)
Secretary to Government,
Law Department.

25/4/58

GOVERNMENT OF MYSORE

No. LAW43LGN58.

Mysore Government Secretariat,
VIDHANA SOUDHA,

Dated, Bangalore,25th.April,.1958.
Vlashaka 5th, Saka 1880.

FROM

The *Secretary to the Government of Mysore,*
Law Department.

Not issued 29/4.

To

The Secretary,
Mysore Legislative Assembly,
Bangalore.

Subject:- The Mysore Weights and Measures (Enforcement) Bill, 1958.

- - -

Sir,

I am directed to forward herewith three copies of the Mysore Weights and Measures (Enforcement) Bill, 1958 to be introduced during the current session of the Mysore Legislative Assembly and to request that the Speaker may kindly be moved under rule 48 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, to order the publication of the Bill with the Statement of Objects and Reasons and the Financial Memorandum in the Mysore Gazette to enable the members to study the Bill and send amendments in advance.

Yours faithfully,

Sd/-
(R.P. Vasudeo)
Secretary to Government,
Law Department.
P. 23-4-1958

Copy of the above is forwarded to the Council Section, GAD information.

Copy of the above is forwarded to the Secretary to Governmen Agriculture and Forest Department for information.

(B. Hanumanthiya)
Under Secretary to Government,
Law Department.

GOVERNMENT OF MYSORE

No. Law 43 LGN 58
Encl- 3.

Mysore Government Secretariat,
VIDHANA SOUDHA,

Dated, Bangalore, 25th April 1958.
Vishaka 5, Saka 1880.

FROM

The *Secretary to the Government of Mysore,*
Law Department.

To

THE MYSORE LEGISLATURE SECRETARIAT
No. 421/LA
25 APR 1958
BANGALORE.

The Secretary,
Mysore Legislative Assembly,
Bangalore.

Subject:- The Mysore Weights and Measures (Enforcement) Bill, 1958.

Sir,

I am directed to forward herewith three copies of the Mysore Weights and Measures (Enforcement) Bill, 1958 to be introduced during the current session of the Mysore Legislative Assembly and to request that the Speaker may kindly be moved under rule 48 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, to order the publication of the Bill with the Statement of Objects and Reasons and the Financial Memorandum in the Mysore Gazette to enable the members to study the Bill and send amendments in advance.

Yours faithfully,

RVasudeo

(R.P.Vasudeo)
Secretary to Government,
Law Department.

25/4/58

GOVERNMENT OF MYSORE

No. LAW 43LGN 58

Encl: 3

Mysore Government Secretariat,
VIDHANA SOUDHA,

Dated, Bangalore, 2nd. May,..
12th Vaishaka, 1880 Sa

FROM

The *Secretary to the Government of Mysore,*
Law Department

Issued

To

The Secretary,
Mysore Legislative Council,
Bangalore

Sir,

Subject: The Mysore Weights and Measures(Enforcement) Bill,1958.

I am directed to forward herewith three copies of Mysore Weights and Measures (Enforcement) Bill, 1958, to be introduced during the current session of the Mysore Legislative Council and to request that the Chairman may kindly be moved under rule 51 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Council, to order the publication of the Bill with the Statement of Objects and Reasons and the Financial Memorandum in the Mysore Gazette to enable the members to study the Bill and send amendments if any in advance.

Yours faithfully,

(R.P.Vasudeo)
Secretary to Government,
Law Department.

To

The Secretary,
Mysore Legislative Assembly,
BANGALORE.

Sir,

I give notice of my intention to move the following amendments to the Mysore Weights & Measures (Enforcement) Bill, 1958, namely:-

1. In clause 15 -

(a) in sub-clause (1), the words "Deputy Controllers", shall be inserted between the words "a Controller of Weights and Measures for the State and as many" and "Assistant Controllers";

(b) in sub-clause (3), -

(i) for the words "all Assistant Controllers of ghts and Measures and Inspectors" the words "all ity Controllers, Assistant Controllers and Inspe- rs of Weights and Measures" shall be substituted;

(ii) the words "Deputy Controllers", shall be in- ted between the words "the Controller" and "and the istant Controllers".

(c) in sub-clause (4), for the words "the Controller Weights and Measures, every Assistant Controller and y Inspector", the words "The Controller, every ity Controller, every Assistant Controller and every ector of Weights and Measures" shall be substituted.

2. In clause 20, -

(a) in sub-clause (1), the words "or any Deputy roller" shall be inserted between the words "the roller" and "or any Assistant Controller"; and

(b) in sub-clause (2), the words "or a Deputy roller" shall be inserted between the words "the roller" and "or an Assistant Controller".

Yours faithfully,

MINISTER FOR CO-OPERATION.

Jamakhandimath,
B.A., B.L., G.D.C.A.,
Joint Registrar (Marketing)

Office of the Chief Marketing Officer in Mysore, Bangalore.
Dated, 18th August 1958.

D.O.No. M.D. 14709 -W/58-59

MYSORE GOVERNMENT SECRETARIAT
NO. 5WMR57
AUG
6721
A. & F. DEPTT., CO-OPERATION BRANCH

Dear Sir,

Sub:- Mysore Weights and Measures (Enforcement) Bill, 1958 - Introduction in the State Legislature.

I enclose herewith a copy of D.O. letter No. SMC-15(19)/58 dated 14th August 1958 received from Shri P.N. Nayar, Secretary, Standing Metric Committee, Ministry of Commerce and Industry, New Delhi regarding the subject cited above.

I request necessary action may kindly be taken as desired in the D.O. letter.

Yours

C. A. Jamakhandimath

Sri M.S. Swaminathan, I.A.S.,
Secretary to the Government of
Mysore, Agriculture and Forest
Departments, Bangalore.

MYSORE LEGISLATIVE ASSEMBLY

BUDGET SESSION 1958.

THE MYSORE WEIGHTS AND MEASURES (ENFORCEMENT) BILL, 1958.

A Bill to provide for the enforcement of standard weights and measures and for matters connected therewith.

(As passed by the Legislative Council.)

WHEREAS it is expedient to provide for the enforcement of standard weights and measures and for matters connected therewith ;

BE it enacted by the Mysore State Legislature in the Ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY.

1. Short title, extent and commencement.— called the Mysore Weights and Measures (Enforcement) Act, 1958.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act or for different areas or for different classes of undertakings or for different classes of goods.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) "commercial weight or measure" means a weight or measure purporting to be a standard weight or measure used in any transactions for trade or commerce ;

(b) "Controller" means the Controller of Weights and Measures appointed under section 15 ;

(c) "Inspector" means an Inspector of Weights and Measures appointed under section 15;

measuring instrument means any measuring instrument other than a weighing instrument and includes any instrument for the measurement of length, area, volume or capacity;

Mint" means the mint of the Central Government either in Bombay or in Calcutta;

prescribed" means prescribed by rules made under this Act;

standard weight or measure" means any unit of mass or measure referred to in sub-section (1) of section 13 of the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956) and includes any other weight or measure permitted to be continued to be used by the Central Government in pursuance of sub-section (1) of section 14 of the said Act;

) "reference standards" means the sets of standard weights and measures supplied to the State Government by the Central Government in pursuance of sub-section (2) of section 15 of the Standards of Weights and Measures Act, 1956;

"Rules" means rules made under section 42;

"stamping" includes casting, engraving, etching, branding or otherwise marking in such manner as to be, so far as practicable, indelible and the expression "stamp" and other expressions relating thereto shall be construed accordingly;

"verification" with its grammatical variations used with reference to a weight or measure or weighing or measuring instrument, includes the process of comparing, checking or testing such weight or measure or weighing or measuring instrument and also includes re-verification;

"weighing instrument" means any instrument used for weighing and includes scales with the weights belonging thereto, scale-beams, balances, spring balances, steel yards and other weighing machines.

CHAPTER II

STANDARD WEIGHTS AND MEASURES.

3. Working standards.—(1) For the purpose of verifying the correctness of commercial weights and measures and weighing and measuring instruments used in transactions for trade or commerce, the State Government shall cause to be prepared such number of authenticated sets of standard weights and measures as it may think fit to be working standards, and special sets of working standards in relation to bullion and precious stones may also be prepared.

(2) The working standards shall be made of such material and according to such designs and specifications and shall be prepared by such agency and shall be stamped and authenticated by such person or authority and in such manner as may be prescribed.

(3) The working standards shall be kept by such officers as the State Government may direct at such places, and in such manner as may be prescribed.

(4) A working standard shall be verified with the secondary standard and marked by such persons, at such places, at such intervals and in such manner as may be prescribed:

Provided that a special working standard in relation to bullion and precious stones shall be verified with the reference standard.

(5) A working standard which is not so verified and marked within the prescribed period shall not be deemed legal or be used for the purposes of this Act.

(6) A working standard which has become defective shall not be deemed legal or be used for the purposes of this Act, until it has been verified and marked in the prescribed manner.

4. Secondary standards.—(1) For the purpose of verifying the correctness of the working standards, the State Government may cause to be prepared at the Mint, such number of authenticated sets of standard weights and measures as they may think fit. Such sets shall be called the secondary standards.

(2) The secondary standards shall be made of such material and according to such design and specifications as may be prescribed and shall be stamped and authenticated by such person or authority as the Central Government may direct.

(3) The secondary standards shall be kept by such officers, as the State Government may direct, at such places, and in such manner as may be prescribed.

(4) A secondary standard shall be verified with the reference standard at least once in every period of five years and shall be marked with the date of verification in the prescribed manner by such person or authority as the State Government may direct.

(5) A secondary standard which is not so verified and marked within the aforesaid period shall not be deemed legal and shall not be used for the purposes of this Act.

5. Reference Standards.—The reference standards shall be kept by such officers, at such places, and in such manner as the State Government may direct.

6. Standard weighing and measuring instruments.—(1) For the purpose of verifying the correctness of commercial weights and

measures and of weighing and measuring instruments used in transactions for trade or commerce, the State Government may cause to be prepared as many sets of weighing and measuring instruments as it may deem necessary.

(2) Such instruments shall be of such kind, kept in such number and shall be verified and stamped in such manner as may be prescribed.

(3) Such instruments shall be kept at all places where secondary standards or working standards are kept.

7. Prohibition of use of weights and measures other than standard weights and measures.—(1) Notwithstanding anything contained in any other law or any custom, usage or practice, no unit of mass or measure, other than the standard weights or measures shall be used in any transactions for trade or commerce or any dealing or contract or for any work to be done or goods to be sold or delivered in any area or class of goods or undertakings in respect of which this Act has come into force.

(2) Any custom, usage, practice or method of whatever nature which permits in any trade, a trader, seller or buyer to demand, receive or cause to be demanded or received any quantity of article in excess of, or less than, the quantity fixed by the weight or measure by which the contract or dealing in respect of the said article has been made, shall be void.

(3) Any transaction, dealing or contract, had or made after the expiry of three months from the commencement of this Act shall, insofar as it contravenes the provisions of sub-section (1), be void.

8. Power to prescribe the use of weights only, or measures only, in certain cases.—Notwithstanding anything contained in this Act, the State Government may, by notification in the Official Gazette, direct that in any specified trade or class of trades, no transaction, dealing or contract shall be made or had except by weight only, or except by measure only, and such notification shall take effect in such area, with effect from such date, and subject to such conditions, if any, as may be specified therein.

CHAPTER III

VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES.

9. Marking of denominations on weights and measures.—Every weight or measure manufactured for use as commercial weight or

measure shall bear the description which it purports to be, marked legibly on it in such manner as may be prescribed.

10. Prohibition of sale of unstamped weights and measures.—No commercial weight or measure or weighing or measuring instrument shall be sold or delivered unless it has been verified or reverified in accordance with the rules made under this Act and stamped in the prescribed manner by an Inspector with a stamp of verification under this Act.

11. Prohibition of use of unstamped weights or measures.—No weight or measure or weighing or measuring instrument shall be used in transactions in trade or commerce unless it has been verified or reverified in accordance with the rules made under this Act and stamped in the prescribed manner by an Inspector, with a stamp of verification under this Act.

12. Power of State Government to exempt.—Where the size of a commercial weight or measure renders it impracticable to have any denomination marked on it under the provisions of section 9 or to be stamped under the provisions of section 10 or section 11, the State Government may, by notification in the Official Gazette, exempt such weights or measures from being so stamped.

13. Prohibition against manufacture, etc., of weights and measures without licence.—No person shall, in course of any trade, manufacture, repair or sell any commercial weight or measure or any weighing or measuring instrument, unless he has obtained in the prescribed manner a licence in this behalf from the State Government or such officer as the State Government may authorise in this behalf.

14. Marking of weight or measure on sealed containers.—No person shall sell, offer for sale, expose for sale, or have in his possession for sale, any article notified in this behalf by the State Government in the Official Gazette and contained in a sealed package or container unless such package or container bears thereon, or on a label securely attached thereto, a description of the net weight or measure of the article contained therein.

15. Appointment of Controller, Assistant Controller and Inspectors.—(1) The State Government may appoint a Controller of Weights and Measures for the State and as many Assistant Controllers and Inspectors of Weights and Measures as may be necessary for exercising the powers and discharging the duties conferred or imposed on them by or under this Act.

(2) The State Government may, by general or special order, define the local limits within which each Inspector shall exercise the powers and discharge the duties conferred or imposed on Inspectors by or under this Act.

(3) Subject to the provisions of this Act, all Assistant Controllers of Weights and Measures and Inspectors shall perform their functions under the general superintendence and control of the Controller; and the Controller and the Assistant Controllers of Weights and Measures may, in addition to the powers and duties conferred or imposed on them by or under this Act, exercise any power or discharge any duty so conferred or imposed on Inspectors.

(4) The Controller of Weights and Measures, every Assistant Controller and every Inspector appointed under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

16. Verification and stamping by Inspectors.—(1) Every Inspector shall, for the purpose of verification of weights and measures and weighing and measuring instruments, attend at such place and time within his jurisdiction as may be appointed in this behalf by the Controller.

(2) The Inspector shall verify every weight or measure or weighing or measuring instrument which is brought to him for the purpose of verification and if he finds such weight or measure or weighing or measuring instrument to be correct and in conformity with the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956), and the rules made thereunder, he shall stamp the same with a stamp of verification in the prescribed manner.

17. Power to inspect, etc.—(1) An Inspector may, within the area under his jurisdiction, inspect at all reasonable times, the weights, measures and weighing and measuring instruments which are used in transactions for trade or commerce or are in the possession of any person or are on any premises for such use and may verify every such weight or measure or weighing or measuring instrument with a secondary or working standard or weighing or measuring instrument prescribed for the purpose.

(2) For the purpose of verifying the correctness of any weight or measure used in any transaction, an Inspector may also verify the weight or measure of any article sold or delivered in the course of the transaction.

(3) An Inspector may, at all reasonable times, require any trader or any employee or agent of a trader to produce before him

for inspection, all weights and measures and weighing and measuring instruments which are used by him or are in his possession or are kept on any premises used for trade and all documents and records relating thereto and such trader, employee or agent shall comply with such requirements.

(4) An Inspector may seize and detain any weight or measure or weighing or measuring instrument in respect of which an offence under this Act appears to have been committed or which appears to have been or which might be used in the commission of such an offence, and may also seize and detain any articles sold or delivered or caused to be sold or delivered by means of such weight or measure or weighing or measuring instrument together with any documents or records relating thereto.

(5) Where an Inspector has reasons to believe that a sealed package or container does not actually contain the net weight or measure of the article which it purports to contain, he may break open the sealed package or container and verify its contents; and if, on such verification, the net weight or measure of the article is found to be correct, he shall reseal the package or container where it is possible so to do without injury to the contents thereof and attach a certificate thereto stating the correct weight or measure of the article, but if, on the other hand, the net weight or measure of the article is found to be incorrect, he may seize and detain the package or container and the article contained therein.

(6) For the purpose of inspection under this section, an Inspector may, at all reasonable times, enter into any place where weights, measures or weighing or measuring instruments are used or kept for use in transactions for trade or commerce and inspect such weights and measures and weighing and measuring instruments.

18. Inspector not to be maker, adjuster or seller of weights and measures or weighing or measuring instruments.—An Inspector shall not be employed in the making, adjusting or selling of weights or measures or weighing or measuring instruments :

Provided that in any area in which it appears to the State Government desirable that an Inspector should be allowed to adjust or sell weights or measures, or weighing or measuring instruments, the State Government may, if it thinks fit, authorise such Inspector to adjust or sell weights, measures, or such instruments accordingly.

19. Manufacturers etc. to maintain records and documents.—(1) Every manufacturer, repairer or dealer in weights and measures or weighing or measuring instruments, and every person using them in

transactions for trade or commerce shall maintain such records an accounts as may be prescribed and if required to do so by an Ins pector, shall produce such records and accounts before him.

(2) Notwithstanding anything contained in sub-section (1), i the State Government is of opinion that having regard to the natur of business carried on by such manufacturer, repairer or dealer, it i necessary so to do, it may, by order, exempt such person or class c persons from the operation of that sub-section.

20. Appeals.—(1) Any person aggrieved by any decision of a Inspector under this Act may, within sixty days from the date of th decision, prefer an appeal to the Controller, or any Assistant Cor troller of Weights and Measures specially authorised in this behalf b the State Government.

(2) Any person aggrieved by any original decision of th Controller or an Assistant Controller of Weights and Measures unde this Act, may within sixty days from the date of the decision, pref an appeal to the State Government.

(3) On receipt of an appeal under sub-section (1) or (2), th appellate authority shall, after giving the person concerned a reasona ble opportunity of being heard, decide the appeal and the decisio of the appellate authority shall be final.

21. Levy of fees.—The State Government shall charge suc fees.

(*a*) for the grant of a licence under section 13, for th manufacture, repair or sale of commercial weights and measures an weighing and measuring instruments; and

(*b*) for the verification, marking, stamping and adjustment commercial weights and measures and weighing and measurir instruments;

as may be prescribed.

22. Validity of weights and measures duly stamped.—A weight measure or weighing or measuring instrument, duly stamped by a Inspector under this Act, shall be a legal weight or measure weighing or measuring instrument in all places in which this Act h come into force unless it is found to be false or defective and shall not be liable to be re-stamped by reason merely of the fact that it is used in any place other than that in which it was originally stamped.

CHAPTER IV.

PENALTIES.

23. Penalty for sale or delivery by weight or measure other than standard weight or measure.—Whoever, after the expiry of three months from the commencement of this section, sells or causes to be sold or delivers or causes to be delivered in the course of any transaction for trade or commerce any article by any denomination of weight or measure other than one of the standard weights or measures shall, on conviction, be punished with a fine which may extend to two thousand rupees and for every succeeding offence, with imprisonment for a period which may extend to three months and with fine.

24. Penalty for sale of unstamped weights and measures.—Whoever sells or delivers any weight or measure or any weighing or measuring instrument which has not been verified or re-verified or stamped in accordance with the provisions of this Act and the rules made thereunder shall, on conviction, be punished with fine which may extend to one thousand rupees.

25. Penalty for use of unstamped weights and measures.—Whoever uses in any transaction for trade or commerce, or has in possession for such use, any weight or measure or any weighing or measuring instrument which has not been verified or re-verified or stamped in accordance with the provisions of this Act and the rules made thereunder shall, on conviction, be punished for a first offence with fine which may extend to one thousand rupees, and for every succeeding offence, with imprisonment for a period which may extend to three months and with fine.

Explanation 1.—When any such weight or measure or weighing or measuring instrument is found in the possession of any trader or any employee or agent of such trader, such trader, employee or agent shall be presumed, until the contrary is proved, to have had it in his possession for use in transactions for trade or commerce.

Explanation 2.—Where any weight or measure or weighing or measuring instrument is used or possessed in contravention of this section by any employee or agent of a trader on behalf of such a trader, such trader shall, unless he proves that the offence under this section was committed by his employee or agent without his knowledge or consent, be also deemed to be guilty of such offence.

26. Penalty for manufacture of weights, etc., without licence.—If any person manufactures, repairs, or sells any weight or measure or

weighing or measuring instrument, without obtaining a licence a required by section 13, shall, on conviction, be punished witl imprisonment for a period which mav extend to three months. o with fine, or with both.

27. Penalty for use of weight or measure in contravention o section 8.—Whoever contravenes any of the provisions of a notifi cation issued under section 8 shall, on conviction, be punished witl fine which may extend to one thousand rupees.

28. Penalty for failure to mark weight or measure on seale containers.—Whoever contravenes the provisions of section 14 shall on conviction, be punished with fine which may extend to on thousand rupees.

29. Penalty for fraudulent use of weights, measures, etc.—Who ever fraudulently uses any standard weight or measure or weighing o measuring instrument which he knows to be false, shall, on conviction be punished with imprisonment for a period which may extend to on year, or with fine or with both.

30. Penalty for being in possession of false weight or measure etc.—Whoever is in possession of any commercial weight or measure or weighing or measuring instrument which he knows to be false ntending that the same may be fraudulently used, shall, on con viction be punished, with imprisonment for a period which may extend to one year, or with fine or with both.

31. Penalty for making or for selling false weight or measure etc.—Whoever makes, sells or disposes of or causes to be made, sold or disposed of any standard weight or measure or weighing or measuring instrument which he knows to be false, in order that the same may be used as true, or knowing that the same is likely to be used as true, shall, on conviction, be punished with imprisonment for period which may extend to one year, or with fine or with both.

32. Penalty for giving short weight or measure.—Whoever in selling any article by weight or measure, delivers or causes to be delivered to the purchaser less than what is purported to be sold shall, if the deficiency exceeds the prescribed limit of error, on conviction, be punished with fine which mav extend to three hundred rupees.

33. Penalty for forging, etc., of weights, measures, etc.—(1) Whoever forges or counterfeits any stamp used under this Act for the

stamping of any standard weight or measure or weighing or measuring instrument or possesses any such counterfeit stamp, or removes a stamp from any standard weight or measure or weighing or measuring instrument and inserts the same into another weight or measure or weighing or measuring instrument or wilfully increases or diminishes a weight or measure so stamped, shall, on conviction be punished with imprisonment for a period which may extend to one year, or with fine, or with both.

(2) Whoever knowingly uses, sells, utters, disposes of or exposes for sale any weight or measure or weighing or measuring instrument with such forged or counterfeit stamp thereon, or a weight or a measure so increased or diminished, shall, on conviction be punished with imprisonment for a period which may extend to six months or with fine, or with both.

34. Penalty for neglect or refusal to produce weight or measure, etc., for inspection.—Whoever :—

(*a*) refuses or neglects to produce for inspection under section 17, any weight or measure or weighing or measuring instrument or any document or record relating thereto in his possession or on his premises, or

(*b*) refuses to permit an Inspector to inspect and verify any such weight, measure, instrument, document or record; or

(*c*) obstructs the entry of an Inspector under section 17, or

(*d*) otherwise obstructs or hinders an Inspector in the performance of his duties under this Act, shall on conviction, be punished with fine which may extend to five hundred rupees.

35. Penalty for breach of duty by inspector.—If an Inspector knowingly stamps a weight or measure or weighing or measuring instrument in contravention of the provisions of this Act, or of the rules made thereunder, he shall, on conviction, be punished with imprisonment for a period which may extend to one year, or with fine, or with both.

CHAPTER V.

MISCELLANEOUS.

36. Protection of persons acting in good faith.—No officer or servant of the State Government shall be liable in respect of any act in any civil or criminal proceeding if the act was done in good faith

in the course of the execution of duties or the discharge of functions imposed by or under the Act.

37. Cognizance of offences etc.—(1) No court shall take cog zance of an offence punishable under this Act except up complaint in writing made by the Controller or any officer auth in this behalf by the Controller by general or special order.

(2) No court inferior to that of a Magistrate of the First shall try any offence punishable under this Act.

38. Stamped weights etc., to be presumed to be correct.—A w or measure or weighing or measuring instrument duly stamped i the provisions of this Act and the rules made thereunder sha presumed to be correct until its inaccuracy is proved, if produced in any court by any Inspector having charge thereof any person acting under the general or special authority of Controller.

39. Offences by companies.—(1) If the person committin offence under this Act is a company, every person who, at the he offence was committed, was in-charge of, and was responsibl he company for the conduct of the business of the company as s the company, shall be deemed to be guilty of the offence and e liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall re ny such person liable to punishment if he proves that the off vas committed without his knowledge or that he exercised all liligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-sectior where an offence under this Act has been committed by a com nd it is proved that the offence has been committed with the con r connivance of, or is attributable to any neglect on the part of, irector, manager, secretary or other officer such director, man ecretary or other officer shall also be deemed to be guilty of ffence and shall be liable to be proceeded against and puni ccordingly.

Explanation :—For the purposes of this section :—

(*a*) "company" means any body corporate and includ firm or other association of individuals ; and

(*b*) "director", in relation to a firm, means a partner in firm.

40. Delegation of powers.—The State Government may, by otification in the official Gazette, direct that any power exercisable

by it under this Act or rules made thereunder shall, in relation to such matters and subject to such conditions, as may be specified in the direction be exercisable also by such officer or authority subordinate to the State Government as may be specified in the notification :

Provided that nothing contained in this section shall apply to any power of the State Government to make rules under this Act.

41. Limits of error to be tolerated in weights and measures.—Subject to any rules that may be made under the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956) in this behalf, the State Government may prescribe the limits of error which may be tolerated :—

(*a*) in secondary standards referred to in section 4 ;

(*b*) in working standards referred to in section 3 ;

(*c*) in commercial weights and measures or in selling articles by weight or measure generally or as regards any trade or class of trades ; and

(*d*) weighing and measuring instruments ;

42. Power to make rules.—(1) The State Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the material of which and the designs and specifications according to which working standards may be made, the agency by which such standards may be prepared, the person by whom or the authority by which and manner in which such standards may be stamped and authenticated ; the places at which and the custody and manner in which such standards may be kept ;

the procedure for the verification or reverification and marking of working standards, the persons by whom, the places at which and the intervals at which, they may be marked ;

he material of which and the designs and specifications according to which secondary standards may be made, the places at which and the custody and manner in which such standards may be kept ;

(*d*) the procedure for the verification or reverification and marking of secondary standards and the manner in which they may be marked;

(*e*) the number of weighing and measuring instruments to be kept, the manner in which they may be verified and stamped and necessary particulars regarding the same;

(*f*) the manner in which commercial weights and measures may be marked by manufacturers

(*g*) the form and manner in which, and the conditions subject to which licence may be granted to persons for manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments;

(*h*) the qualifications, functions and duties generally of Inspectors under this Act;

(*i*) verification and stamping of weights and measures and weighing and measuring instruments and the period within which they are to be reverified;

(*j*) inspection of weights and measures and weighing and measuring instruments used in transactions for trade or commerce;

(*k*) the seizure, detention and disposal of weights and measures which are not authorised by this Act;

(*l*) the books, accounts and records relating to weights and measures and weighing and measuring instruments to be maintained and the manner in which they may be maintained or produced;

(*m*) the limits of error which may be tolerated in secondary or working standards;

(*n*) the limits of error which may be tolerated in weights and measures and weighing and measuring instruments used or intended to be used in transactions for trade or commerce;

(*o*) the limits of error which may be tolerated in selling articles by weight measure generally or as regards any trade or class of trades;

(*p*) the form and manner in which appeals may be preferred under section 20, and the procedure for hearing appeals;

(*q*) the fees which may be charged for the grant of licences under section 13 and for verification, reverification, adjustment and stamping of weights and measures and weighing and measuring instruments and the collection and levy of the same;

(*r*) any other matter which has to be, or may be, prescribed.

(3) In making any rule under this section, the State Govern ment may provide that a breach thereof shall be punishable with fin which may extend to five hundred rupees.

(4) The power to make rules under this section shall b subject to the condition of previous publication in the officia Gazette.

43. Rules and orders to be laid before the State Legislature.— Every notification issued under section 8 or section 12 and ever rule made under section 42 shall as soon as may be after it is issued be laid before each House of the State Legislature while it is ir session for a total period of thirty days which may be comprised ir one session or in two or more sessions and if before the expiry of th said period, either House of the State Legislature makes an modification in the notification or rule, or directs that the notifica tion or rule shall not have effect and if the modification or directio is agreed to by the other House, the notification or rule shal thereafter have effect only in such modified form or be of no effect, a the case may be.

44. Repeal and savings.—(1) On the coming into force of th Mysore Weights and Measures (Enforcement) Act, 1958 or any par thereof in any area or areas—

the Bombay Weights and Measures Act, 1932 (Bombay Act XV of 1932), as in force in the Bombay Area; the Coorg Weights and Measures Act, 1954 (Coorg Act VII of 1954) as in force in the Coorg District; the Hyderabad Weights and Measures Act, 1356F (Hyderabad Act XIV of 1356 Fasli) as in force in the Hyderabad Area; the Madras Weights and Measures Act, 1948 (Madras Act XXII of 1948) as in force in the Madras Area; the Madras Weights and Measures Act, 1948 (Madras Act XXII of 1948) as in force in the Bellary District; the Mysore Measures of Length Act, 1890 (Mysore Act III of 1890) and the Mysore Weights and Measures Act, 1902 (Mysore Act III of 1902) as in force in the Mysore Area, shall, to the extent to which they contain any provision which corresponds to any provision of this Act, stand repealed in such area or areas:

Provided that such repeal shall not affect—

(*a*) the previous operation of the said enactments or anything duly done or suffered thereunder; or

(*b*) any right, privilege, obligation or liability acquired accrued or incurred under the said enactments; or

(c) any penalty, forfeiture or punishment incurred in respe of any offence committed against the said enactment or

(d) any investigation, legal proceeding or remedy in respe of any such right, privilege, obligation, liability, forfeitu or punishment as aforesaid; and any such investigatio legal proceeding or remedy may be instituted, continue or enforced, and any such penalty, forfeiture punishment may be imposed as if this Act had not bee passed:

Provided further that all appointments made, notifications an notices issued, rules, bye-laws and orders made, contracts entered int under any repealed enactments shall, so far as they are not incor sistent with the provisions of this Act and the Rules, continue i force and be deemed to have been made, issued and entered int under this Act.

(2) If, immediately before the commencement of this Act or an provision thereof in respect of any area or class of goods or unde takings, there is in force in respect of that area or class of goods undertakings, any law which corresponds to this Act or to an provision thereof and which is not repealed by sub-section (1), tha corresponding law shall stand repealed.

Statement of Objects and Reasons

The Central Government have decided to introduce the metr system of weights and measures throughout the country. Th Standards of Weights and Measures Act, 1956, prescribing metr standards has also been passed by the Parliament. The enforcemer of these standards rests with the State Government. In the ne Mysore State there are five different Weights and Measures Acts i different areas. The proposed Bill seeks to put an end to th diversity of weights and measures prevalent in different areas of th State and also to implement the decision of Parliament to introduc the metric system in the country.

The main features of the bill are:

(i) introduction of Metric Weights and Measures and integr multiples and sub-multiples thereof for use in the State;

(ii) testing and custody of reference, secondary and workin standards;

(iii) verification and stamping of weights and measures, weighing and measuring instruments; and

(iv) appointment of Inspectors invested with certain jurisdiction, powers and duties, including power to seize false weights or measures, etc.

Financial Memorandum.

The financial implications in bringing out the new legislation of Weights and Measures involves an additional non-recurring expenditure of Rs. 37 lakhs and a recurring expenditure of Rs. 5,45,255. The recurring expenditure includes the present expenditure of Rs. 3,49,259 on the existing staff. The extra cost involved on account of the implementation of the scheme will be Rs. 1,95,996 after the entire staff asked for is sanctioned. The non-recurring expenditure is proposed to be phased over for a period of three years and the Centre is sharing half of this expenditure. The proposed enactment is expected to yield an additional revenue of about Rs. 2 lakhs.

S. NIJALINGAPPA.

G. S. VENKATARAMANA IYER,
Secretary.

"B"

The Mysore Weights and Measures (Enforcement) Bill, 1958.

The member in charge of this Bill is the Minister for Co-operation.

1. The Bill as passed by the Legislative Council has been laid on the Table of the Legislative Assembly.

2. The next stage for the passage of this Bill is to move that the Bill be taken into consideration.

The form of motion to be made is as follows:-

"Sir, I move -

That the Mysore Weights and Measures (Enforcement) Bill, 1958, as passed by the Legislative Council, be taken into consideration."

The motion is to be followed by a few remarks by the Minister.

3. After the motion has been carried, the amendments proposed to clauses 14, 15 and 20 of the Bill may be moved.

4. After the amendments have been adopted by the House, the motion has to be in the following form:-

"Sir, I move -

That the Mysore Weights and Measures (Enforcement) Bill, 1958, as amended, be passed."

THE MYSORE WEIGHTS AND MEASURES (ENFORCEMENT) Bill, 1958.

The member in charge of this Bill is the Minister for Co-operation.

1. The Bill as passed with amendments by the Legislative Assembly has been laid on the Table of the Legislative Council.

2. The next stage for the passage of the Bill is to move that the amendments be taken into consideration.

The form of motion to be made is as follows:-

"Sir, I move -

That the following amendments made in the Legislative Assembly to the Mysore Weights and Measures(Enforcement) Bill, 1958, be taken into consideration".

The motion is to be followed by a few remarks by the Minister relating to the amendments.

3. After the motion has been carried, any member may propose further amendments to the Bill.

4. If no further amendments are moved, the Minister in charge of the Bill has to make the following motion:-

"Sir,

I move that the amendments made in the Legislative Assembly to the Mysore Weights and Measures (Enforcement) Bill, 1958, be agreed to"

5. If further amendments are made, or further amendments in place of amendments made by the Assembly, are prepared, the Minister in charge of the Bill has to make the following motion:-

"Sir,

I move that the Mysore Weights and Measures (Enforcement) Bill, 1958, as further amended, be passed."

To

The Secretary,
Mysore Legislative Assembly,
Bangalore.

Sir,

I give notice of my intention to move the following amendments to the Mysore Weights and Measures(Enforcement) Bill, 1958, namely:-

1. In clause 15 -

(i) in sub-clause (1), the words "Deputy Controllers", shall be inserted between the words "a Controller of Weights and Measures for the State and as many" and Assistant Controllers";

(b) in sub-clause (3), -

(i) for the words "all Assistant Controllers of Weights and Measures and Inspectors" the words "all Deputy Controllers, Assistant Controllers and Inspectors of Weights and Measures" shall be substituted; and

(ii) the words "Deputy Controllers", shall be inserted between the words "the Controller" and Eand the Assistant Controllers".

(c) in sub-clause (4), for the words "the Controller of Weights and Measures, every Assistant Controller and every Inspector", the words "The Controller, every Deputy Controller, every Assistant Controller and every Inspector of Weights and Measures" shall be substituted.

2. In clause 20, -

(a) in sub-clause (1), the words "or any Deputy Controller" shall be inserted between the words

the words "the Controller and "or any Assistant Controller"; and

(b) in sub.clause (2), the words "or a Deputy Controller" shall be inserted between the words "the Controller and" or Assistant Controller".

Yours faithfully,

MINISTER FOR CO-OPERATION.

Government of Bombay
Legal Department

Bombay Act No. XV of 1932

The Bombay Weights and Measures Act, 1932

(As modified up to the 15th February 1956)

SECRETARY TO GOVERNMENT
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13 MAR 1957
HOME, FOR...

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THE BOMBAY WEIGHTS AND MEASURES ACT, 1932.

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BOMBAY ACT No. XV OF 1932.[1]

[THE BOMBAY WEIGHTS AND MEASURES ACT, 1932.]

[*1st December 1932*]

Amended by Bom. 9 of 1935
" " " 33 of 1935
" " " 22 of 1936
" " " 5 of 1937.
Adapted and modified by the Adaptation of Indian Laws Order in Council.
Amended by Bom. 1 of 1939.
" " " 15 of 1947.
" " " 56 of 1948.
Adapted and modified by the Adaptation of Laws Order, 1950.
Amended by Bom. 17 of 1951.
" " " 39 of 1951.
" " " 15 of 1955.

An Act to fix a scale of standard weights and measures for the Presidency of Bombay.

WHEREAS it is expedient to fix a scale of standard weights and measures for the presidency of Bombay and to provide for the adoption of the same in specified areas in the said presidency [2][and for certain other matters hereinafter appearing]; And whereas the previous sanction of the Governor General required by sub-section (*3*) of section 80A of the Government of India Act and the previous sanction of the Governor required by section 80G of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows :—

PART I.

PRELIMINARY.

1. This Act may be called the Bombay Weights and Measures Act, 1932. Short title.

2. (*1*) This Act shall apply to the whole of the presidency of Bombay. Extent and commencement.

(*2*) Part I shall come into force at once. Government may, by notification in the [3][*Official Gazette*], direct that Parts II, III, V and VI shall come into force in any district or municipal area on a date to be specified in such notification.

(*3*) When Government has directed that Parts II, III, V and VI shall come into force in any district or municipal area under sub-section (*2*), Part IV shall come into force in such district or municipal area three months after the dates specified in the notification.

3. In th [illegible] there is anything repugnant in the subject or context,— Definitions.

(*1*) "Inspector" means an inspector of weights and measures and weighing or measuring instrument appointed under section 19;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1932, Pt. V, pp. 126–130; for Report of the Select Committee, see *ibid.*, 1932, Pt. V, pp. 126–130; and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1932, Vol. XXXV.

[2] These words were inserted by Bom. 56 of 1938, s. 2.

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

(*2*) "Measuring instrument" includes any instrument for the measurement of length, area, capacity or volume;

(*3*) "Mint" means [1][Government Mint], Bombay;

(*4*) "Mint Master" means the officer appointed for the time being to be the Master of the Mint, Bombay;

(*5*) "Prescribed" with its grammatical variations means prescribed by rules * * * * made under this Act;

(*6*) "Primary standards" mean the weights and measures prepared and stamped under section 5;

[3][(*7*) "rules" means the rules made under section 41;]

(*8*) "Secondary standards" mean the weights and measures prepared and stamped under section 7;

[4][(*8A*) "Stamping" includes casting, engraving, etching, branding, or otherwise marking in such manner as to be, so far as practicable, indelible and the expression "stamp" and other expressions relating thereto shall be construed accordingly;]

(*9*) The expression "verification" or "reverification" with its grammatical variations, used with reference to a weight or measure or weighing or measuring instrument, includes the process of comparing, checking or testing such weight or measure or weighing or measuring instrument;

(*10*) "Weighing instrument" includes scales, with the weights belonging thereto, scale beams, balances, spring balances, steelyards, weighing machines, and other instruments for weighing; [5]*

(*11*) "Working standards" mean the weights and measures provided under section 9;

[6][(*12*) "Government" means in relation to the establishment of standards of weight [7][and measure], the Central Government and save as aforesaid means the [8][State] Government.]

PART II.

STANDARDS OF WEIGHTS AND MEASURES.

Standard weights and measures.

4. [9][(*1*)] The weights and measures including the multiples and sub-multiples thereof described in the First Schedule shall be the weights and measures authorised to be used in every place in which this Part has come into force. These weights and measures are called standard weights and measures for the purposes of this Act.

[10][(*2*) Notwithstanding anything contained in sub-section (*1*), Government may after previous publication by notification in the [11][*Official Gazette*], declare, either generally or for any trade or class of trades—

(*a*) any other multiple or sub-multiple of a weight or measure specified in the First Schedule, or

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[1] These words were substituted for the words "His Majesty's Mint" by the Adaptation of Laws Order, 1950.

[2] The words "or regulations" were deleted by Bom. 15 of 1955, s. 2 (*1*).

[3] This clause was substituted for the original, *ibid.*, s. 2 (*2*).

[4] This clause was inserted by Bom. 56 of 1948, s. 3.

[5] The word "and" was deleted by Bom. 39 of 1951, s. 2, First Schedule.

[6] Clause (12) was inserted by the Adaptation of Indian Laws Order in Council.

[7] These words were inserted by the Adaptation of Laws Order, 1950.

[8] This word was substituted for the word "Provincial", *ibid.*

[9] Section 4 was renumbered as sub-section (*1*) of that section by Bom. 33 of 1935, s. 2

[10] Sub-section (*2*) was added, *ibid.*

[11] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

(*b*) any other weight or measure, or any multiple or sub-multiple thereof, to be a weight or measure authorised to be used in any place in which this Part has come into force.

The weight, measure, multiple or sub-multiple shall, to the extent so declared, be deemed to be a standard weight or measure for the purposes of this Act.]

Primary standards.

5. For the purpose of verifying the secondary standards, such standard weights and measures as Government may direct shall be prepared [1]* * * by the Mint Master [2][or by such other person as may be approved by Government]. They shall be made of such material, weight, length, form and specifications and in such manner as may be determined by Government by notification in the [3][*Official Gazette*]. They shall be stamped with the stamp of the Mint [4][or in such other manner as Government may approve]. The standard weights and measures so prepared and stamped shall be called primary standards.

Custody of primary standards.

6. The primary standards shall be kept in the custody of such officer in the City of Bombay as Government may direct. They shall, once at least in every period of five years, be verified, and if necessary, adjusted or renewed, at the Mint in such manner and by such officer as Government may direct.

Secondary standards.

7. For the purpose of verifying the working standards and weights and measures in use in any area, such standard weights and measures as Government may direct, shall be prepared [5]* * * by the Mint Master [6][or by such other person as may be approved by Government]. They shall be made of such material, weight, length, form and specifications and in such manner as may be prescribed and shall be stamped with the stamp of the Mint [7][or in such other manner as Government may approve]. The standard weights and measures so prepared and stamped shall be called secondary standards.

Custody and verification of secondary standards.

8. (*1*) The secondary standards shall be kept—

(*i*) in the City of Bombay by such officer and at such place as Government may direct;

(*ii*) elsewhere by the Collectors in the Government treasuries at the head-quarter towns of their respective districts and at such other town or place within their respective districts as Government may direct.

[8]* * * * * * *

(*3*) Once at least in every period of five years such secondary standards shall be verified with the primary standards and shall be adjusted or renewed, if necessary, and shall be marked with the date of verification, in the prescribed manner by such officer as Government may direct.

(*4*) A secondary standard which is not so verified, adjusted or renewed and marked within the aforesaid period shall not be deemed legal and shall not be used for the purposes of this Act.

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[1] The words "at the Mint" were omitted by Bom. 9 of 1935, s. 2 (*1*).
[2] These words were inserted, *ibid.*
[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.
[4] These words were inserted by Bom. 9 of 1935, s. 2 (*2*).
[5] The words "at the Mint" were omitted, *ibid.*, s. 3 (*1*).
[6] These words were inserted, *ibid.*
[7] These words were inserted, *ibid.*, s. 3 (*2*).
[8] Sub-section (*2*) was deleted by Bom. 15 of 1955, s. 3.

Working standards.

9. (*1*) For the purpose of verifying weights and measures in use in any area Government may provide such standard weights and measures as it thinks fit to be working standards. They shall be made of such material, weight, length form and according to such specifications and shall be prepared by such agency and shall be stamped by such person and in such manner as may be prescribed When they are not prepared at the Mint, they shall be verified with the secondary standards before being stamped.

(*2*) The working standards shall be kept by such officers
* * * as Government may direct at such places, in such custody and in such manner as may be prescribed.

(*3*) A working standard shall be verified or re-verified and marked by such person, at such place and in such manner, as may be prescribed.

(*4*) A working standard shall not be deemed legal, or be used for the purposes of this Act, unless it has been verified or re-verified and marked in the prescribed manner within such period as may be prescribed before the time at which it is used.

A work[illegible] which has become defective shall not be legal, or be used for the purposes of this Act, until it has been re-verified and marked in the prescribed manner.

Weighing and measuring instruments.

10. W[illegible] instruments stamped in the manner prescribed by such officer as Government may direct shall be kept at all places where secondary standards or working standards are kept. Such instruments shall be of such kind, kept in such number and shall be verified, adjusted or renewed in such manner as may be prescribed.

11. [*Duty of certain municipalities and local boards to provide and maintain secondary standards, etc.*] *Deleted by Bom. 15 of 1955, s. 5.*

Use of standard weights and measures for particular trades.

[2]**[11A.** (*1*) Government may, by notification in the *Official Gazette*, declare that such standard weights or measures or weighing or measuring instruments shall, notwithstanding anything contained in this Act, be used for such trade or class of trades in such area from such date and subject to such conditions as may be specified in the notification.

(*2*) On and from the date specified in the notification under sub-section (*1*), weight or measure or weighing or measuring instrument other than the one specified in such notification shall be used in such trade or class of trades.]

Prohibition of weights and measures other than standard weights and measures.

12. (*1*) Subject to the provisions of section 46, and notwithstanding anything contained in any law for the time being in force, all dealings or contracts, had made in any area after this Part shall have come into force in the said area any work to be done or goods to be sold or delivered by weight or measure, shall be deemed to be had or made according to one of the standard weights or measures or to multiples [3][or sub-multiples] thereof and it shall not be lawful to use any other weight or measure in relation to any such dealing or contract.

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[1] The words "and such municipalities and local boards" were deleted by Bom. 15 of 1955, s. 4.
[2] This section was inserted by Bom. 56 of 1948, s. 4.
[3] The words "or sub-multiples" were inserted by Bom. 33 of 1935, s. 3.

(*2*) Any dealing or contract had or made in contravention of the provisions of sub-section (*1*) so far as it contravenes the said provisions shall be void unless it is proved that such dealing or contract was had or made without intention to contravene the said provisions.

Explanation.—Unless there is anything repugnant in the subject or context, dealing or contract is hereinafter called " trade "

[1][**12A.** Any custom, usage, practice or method of whatever nature which permits in any trade [2][a trader, a seller or a buyer] to demand, receive or cause to be demanded or received any quantity of article in excess of or less than the quantity fixed by the weight or measure by which the contract or dealing [3][in respect of the said article] has been made shall be void.] **Custom for excess or less quantity to be demanded or received void.**

VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES.

13. Every weight which conforms to the provisions of this Act and the rule [4]* * except where the small size of the weight renders it impracticable, shall have the denomination thereof stamped on the top or side thereof in legible figures and letters. Every measure of length, area, capacity or volume, which conforms to the provisions of this Act and the rules [4]* * shall have the denomination thereof stamped on the outside of such measure in legible figures and letters. A weight or measure which does not conform to the provisions of this section shall not be stamped in accordance with the provisions of this Act and the rules [4]* * **[5][Denomination].**

14. (*1*) No weight or measure shall be used for trade unless it has been verified or re-verified in the prescribed manner and stamped by an inspector with a stamp of verification under this Act. **Stamping verificatic weights measures.**

(*2*) Government may prescribe the amount of error to be tolerated in weights or measures or weighing or measuring instrument used for trade.

15. No weighing or measuring instrument shall be used for trade unless it has been verified or re-verified within the period fixed and stamped in the prescribed manner by an inspector with a stamp of verification **Use of weighing or measuring instrument not verified and stamped prohibited.**

16. No weight or measure or weighing or measuring instrument shall be sold or elivered unless it has been verified or re-verified and stamped in the prescribed nanner by an inspector with a stamp of verification. **Sale or delivery of weight, measure, weighing or measuring instrument not verified and stamped prohibited.**

[1] This section was inserted by Bom. 56 of 1948, s. 5.
[2] These words were substituted for the words " a seller or a buyer " by Bom. 15 of 1955, s. 6 (*1*).
[3] These words were substituted for the words " for the sale of the said article ", *ibid.*, s. 6 (*2*).
[4] The words " and regulations " were deleted, *ibid.*, s. 7.
[5] This marginal note was substituted for the original by Bom. 56 of 1948, s. 5.

17. [*Empowering municipalities and district local boards to stamp weights, etc.*] *Deleted by Bom. 15 of 1955, s. 8.*

18. Government shall provide proper and sufficient means for verifying, adjusting and stamping weights and measures and weighing of measuring instruments in the City of Bombay, in all headquarter towns in the districts and at such other places as Government may determine :

19. (*1*) Government shall appoint a sufficient number of persons with prescribed qualifications as inspectors for keeping the secondary and working standards in safe and proper custody and for the discharge of the other duties of inspectors under this Act and the rules [2]*

[3][(*2*) In the exercise of their powers and in the discharge of their duties and functions under the provisions of this Act and rules, the Inspectors shall, subject to the general or special orders of the State Government, be subordinate to and under the control of such officer or officers as the State Government may by order authorize in this behalf. The Inspectors shall be bound to follow such directions as the officer so authorized may from time to time make.

(*3*) The powers and duties conferred on the Inspectors by this Act or rules may also be exercised and performed by the officer or officers so authorized.]

20. Every inspector shall forthwith on his appointment enter into a recognizance with Government [4] * * * * * * in such sum as may be prescribed for the due performance of the duties of his office and the due payment, at the time and in the manner required by the authority appointing him, of all moneys received by him under this Act and for the safety of the secondary and working standards and the stamps and appliances for verification committed to his charge and for their due surrender immediately on ceasing to hold office.

[5][20A. (*1*) Every person using weights or measures or weighing or measuring instruments for trade shall maintain such records, and

(*2*) every dealer, repairer or manufacturer in any weights or measures or weighing or measuring instruments shall maintain such books, accounts and records,

relating to weights or measures or weighing or measuring instruments and in such manner as may be prescribed and shall produce them for inspection in such manner as may be prescribed.]

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[1] The proviso was deleted by Bom. 15 of 1955, s. 9.

[2] The words "and regulations" were deleted, *ibid.*, s. 10 (

[3] Sub-sections (*2*) and (*3*) were substituted for the original, *ibid.*, s. 10 (*b*).

[4] The words "or the municipality or district local board, as the case may be," were deleted, *ibid.*, s. 11.

21. (*1*) Every inspector shall, for the purposes of the verification of weights and measures and weighing or measuring instruments, attend at such time and place within his jurisdiction as may be appointed in this behalf by the authority appointing him. Verification and stamping by inspectors.

[1][(*2*) He shall verify every weight and measure or weighing or measuring instrument which is brought to him for the purpose of verification or re-verification. If he finds such weight or measure or weighing or measuring instrument correct, he shall stamp the same with a stamp of verification in the prescribed manner.]

22. (*1*) Every inspector authorised in writing in this behalf by the authority appointing him may, at all reasonable times, inspect all weights and measures and weighing or measuring instruments, within the area under his charge, which are used or are in the possession of any person or are on any premises for use for trade and may verify every such weight or measure or weighing or measuring instrument with a secondary or working standard or a weighing or measuring instrument prescribed for this purpose [2][and may also verify the weight or measure of any article, delivered by such person in the course of trade to any other person with such secondary or working standard or weighing or measuring instrument]. Power to inspect weights, etc. and to enter shops, etc., for that purpose.

[3][(*1A*) Such Inspector may, at all reasonable times, require any trader or any employee or agent of a trader to produce before him for inspection all weights, measures and weighing or measuring instruments which are in his possession and are kept on any premises used for trade, whether or not such weights, measures or instruments are used, or are in his possession for use, for trade.]

(*2*) Such inspector may seize and detain any weight or measure or weighing or measuring instrument regarding which an offence under this Act appears to have been committed or which appears to have been or which may be used for the commission of such offence.

(*3*) For the purpose of such inspection, the inspector may at all reasonable times enter into any place where weights and measures and weighing or measuring instruments are used or kept for purpose of trade and inspect such weights and measures and weighing or measuring instruments.

23. An inspector shall not, during the time he holds office, derive any profit from or be employed in the making, adjusting, or selling of weights or measures or weighing or measuring instruments : Inspector not to be maker, seller or adjuster of weights and measures or weighing or measuring instruments.

Provided that in any area in which it appears to Government desirable that an inspector should be allowed to adjust weights or measures or weighing or measuring instruments, Government may, if it thinks fit, authorise such inspector to adjust weights, measures or such instruments accordingly.

24. [*Inspectors to be public servants.*] *Deleted by Bom. 15 of 1955, s. 14.*

25. [4][(*1*) If any difference arises between an Inspector and any person interested as to the meaning or construction of any rule or as to the method of verifying, adjusting or stamping any weight or measure or weighing or measuring Government may determine difference.

[1] This sub-section was substituted for the original sub-sections (*2*) and (*3*), by Bom. 15 of 1955, s. 12.
[2] These words were inserted, *ibid.*, s. 13.
[3] This sub-section was inserted by Bom. 15 of 1947, s. 3.
[4] This sub-section and marginal note were substituted for the original by Bom. 15 of 1955, s. 15.

instrument, such difference may, at the request of the party interested or by the Inspector of his own accord be referred to such officer as Government may direct and the decision of such officer shall, subject to the provisions of sub-section (*2*), be final.]

(*2*) An appeal shall lie within the time prescribed from the decision under sub-section (*1*) to Government or such officer as Government may appoint in this behalf. The decision of Government or such officer under this sub-section shall be final.

26. [*Expenses of municipality and district local board.*] *Deleted by Bom. 15 of 1955, s. 16.*

Levy of Fees.

[1][**27.** Government shall charge such fees for the verification, re-verification, levy of fees, marking, adjustment and stamping of weights or measures or weighing or measuring instruments as may be prescribed.]

28. [*Power of municipalities and district local boards to combine for the purposes of the Act.*] *Deleted by Bom. 15 of 1955, s. 18.*

Validity of weights and measures, etc., duly stamped.

29. A weight or measure duly stamped by an inspector under this Act shall be a legal weight or measure in all places in which this part has come into force, unless false or defective, and shall not be liable to be re-stamped because used in any place other than that in which it was originally stamped.

Stamped weights, etc., to be *prima facie* deemed correct in any court.

30. A weight or measure or weighing or measuring instrument duly stamped under the provisions of this Act or the rules [2]* shall be deemed to be correct until its inaccuracy is proved, if it is produced in any court by any public servant having charge thereof under the direction of Government

32. Whoever wilfully or knowingly makes, sells or disposes of or causes to be made, sold or disposed of any weight or measure or weighing or measuring instrument which is false or defective shall, on conviction, be punished with rigorous imprisonment for a period which may extend to three months or with fine which may extend to rupees five hundred or with both.

Penalty for making, selling, disposing of false or defective weight, measure, etc.

33. Whoever sells [1][or causes to be sold] [2][or delivers or causes to be delivered during the course of any trade] any article by any denomination of weight or measure other than one of the standard weights or measures shall, on conviction, be punishable with fine which may extend to rupees five hundred.

Penalty for sale [3][or delivery in the course of any trade] by weight or measure other than standard weight or measure.

34. Whoever uses or has in his possession for use for trade any weight or measure or weighing or measuring instrument [4][which he knows to be false or defective or which is not authorised], verified [5][or re-verified] or stamped under or in accordance with the provisions of this Act and the rules [6]* * shall, on conviction, be punishable with fine which may extend to rupees five hundred and any trade had or made by such weight or measure or weighing or measuring instrument shall be void.

Penalty for use and possession of weight, measure, etc., not authorised.

[7][*Explanation* [8][*1*].—When any such weight or measure or weighing or measuring instrument is found in the possession of any trader or of any employee or agent of such trader, such trader, [9][employee or agent] shall be presumed, until the contrary is proved, to have had it in his possession for use for trade.]

[10][*Explanation 2.*—Where any weight or measure or weighing or measuring instrument is used or possessed in contravention of this section by any employee or agent of a trader on behalf of such trader, such trader shall, unless he proves that the offence under this section was committed by his employee or agent without his knowledge or consent be also deemed to be guilty of such offence.]

[11][**35.** [12][Whoever in selling or delivering in the course of any trade, any article by weight or measure, sells or delivers or causes to be sold or delivered to any person]—

Penalty for giving short weight or measure.

(*i*) in cases to which an amount of error prescribed under section 46A applies, short weight or measure, exceeding in shortage the amount of error so prescribed, or

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[1] These words were inserted, by Bom. 56 of 1948, s. 9.
[2] These words were inserted by Bom. 15 of 1955, s. 20 (*1*).
[3] These words were inserted, *ibid.*, s. 20 (*2*).
[4] These words were substituted for the words "which is not authorised" *ibid.*, s. 21(*a*).
[5] These words were inserted by Bom. 1 of 1939, s. 2 (*i*).
[6] The words "and regulations" were deleted by Bom. 15 of 1955, s. 21 (*b*).
[7] The Explanation was added by Bom. I of 1939, s. 2 (*ii*).
[8] This Explanation was renumbered as Explanation I, by Bom. 17 of 1951, s 2 (
[9] These words were inserted by Bom. 17 of 1951, s. 2 (*1*).
[10] This Explanation was added by Bom. 17 of 1951, s. 2 (*2*).
[11] Section 35 was substituted for the original by Bom. 15 of 1947, s. 4.
[12] This portion was substituted for the original by Bom. 15 of 1955, s. 22.

(*ii*) in other cases, short weight or measure,

shall, on conviction, be punishable with fine which may extend to rupees three hundred.]

36. [*Penalty for possessing for use weight, etc., not verified or stamped.*] *Repealed by Bom. I of 1939, section 3.*

37. Whoever sells or delivers [1][or causes to be sold or delivered] any weight or measure or weighing or measuring instrument, not verified or re-verified and stamped under this Act shall, on conviction, be punishable with fine which may extend to rupees one thousand

38. (*1*) Whoever forges or counterfeits any stamp used under this Act for the stamping of any weight or measure or weighing or measuring instrument [2][or possesses any such counterfeit stamp] or removes a stamp from any weight or measure or weighing or measuring instrument and inserts the same into another weight or measure or weighing or measuring instrument or wilfully increases or diminishes a weight or measure so stamped shall, on conviction, be punished with rigorous imprisonment for a period which may extend to six months or with fine or with both.

(*2*) Whoever knowingly uses, sells, utters, disposes of or exposes for sale any weight or measure or weighing or measuring instrument with such forged or counterfeit stamp thereon, or a weight or measure so increased or diminished shall, on conviction, be punished with rigorous imprisonment for a period which may extend to six months or with fine or with both.

39. Whoever neglects or refuses to produce for inspection all weights or measures or weighing or measuring instruments in his possession or on his premises or refuses to permit an inspector authorized to examine the same or any of them or obstructs the entry of the inspector under section 22 or otherwise obstructs or hinders him in the performance of his duties shall, on conviction, be punishable with fine which may extend to rupees five hundred.

[3][**39A.** Whoever in contravention of the provisions of section 12A, demands, receives or causes to be demanded or received any quantity of articles [4][in the course of any trade] shall, on conviction, be punished with fine which may extend to rupees

40. If an inspector knowingly stamps a weight or measure or weighing or measuring instrument in contravention of the provisions of this Act or of the rules [1]* * * or is guilty of a breach of any duty imposed on him by this Act or by the rules [1]* * he shall, on conviction, be punished with imprisonment of either description for a period which may extend to one year or with fine or with both. **Penalty for breach of duty by inspector.**

PART V.

RULES AND REGULA:

41. (*1*) Government may make rules[2] for carrying into effect the purposes of this Act. **Power of Government to make rules.**

(*2*) Without prejudice to the generality of the foregoing provision, such rules may prescribe—

(*a*) the composition, weight, length, form and specifications of secondary standards and the manner in which they shall be made;

[3]* * * * * * *
* * * *

(*c*) the procedure for the verification, re-verification, adjustment or renewal of rimary and secondary standards and marking of secondary standards;

(*d*) the composition, weight, length, form and specifications and use of working standards, the authority by whom and the manner in which such standards shall be provided, the agency by whom such standards shall be made, the person by whom and the manner in which such standards shall be stamped, and the places at which and the custody and manner in which such standards shall be kept;

(*e*) the procedure for the verification or re-verification and marking of working standards and the person by whom and the place where they shall be verified or re-verified;

(*f*) the number of weighing and measuring instruments to be kept and necessary particulars regarding the same;

(*g*) the authority by whom certified scales shall be provided for the purposes of this Act and the rules [4]* * and the manner in which they shall be verified or re-verified;

(*h*) the composition, weight, length, form, specifications and manufacture of weights and measures in use in any area;

(*i*) the inspection, verification, re-verification, adjustment and stamping of weights and measures and weighing or measuring instruments in use in any area, including the prohibition of stamping in cases where the nature, denomination, material or mode of construction of the weight or measure or weighing or measuring instrument appears likely to facilitate the commission of fraud and the period within which such weights and measures and weighing or measuring instruments shall be verified or re-verified;

[5][(*ii*) the books, accounts and records relating to weights or measures or weighing or measuring instruments to be maintained and the manner in which they shall be maintained or produced;]

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[1] The words "or regulations" were deleted by Bom. 15 of 1955, s. 24.
[2] For Rules under this section, *see* G. N., G. D., No. 9492, dated 5th June 1934, published in the *B. G. G.*, Pt. I of 1934, pp. 1323-56. *See* also Bombay Rules and Orders, Vol. I.
[3] Clause (*b*) was deleted by Bom. 15 of 1955, s. 25 (*1*).
[4] The words "and regulations" were deleted, *ibid.*, s. 25 (*2*).
[5] This clause was inserted by Bom. 56 of 1948, s. 13.

(*j*) the circumstances and conditions under which and the manner in which amps may be obliterated or defaced;

(*k*) the tests to be applied for the purpose of ascertaining the accuracy and ficiency of weights and measures and weighing or measuring instruments;

(*l*) the limits of error to be allowed on verification and to be tolerated on spection either generally or as regards any trade;

(*m*) the amount of error to be tolerated in weights and measures and weighing measuring instruments used or intended to be used for trade;

[1][(*mm*) the amount of error to be tolerated in selling articles by weight or easure generally or as regards any trade or class of trades;]

[2][(*mmm*) the method of using weight or measure or weighing or measuring strument generally or for a specified class of trade;]

(*n*) the fees to be charged for the verification, re-verification, adjustment and amping of weights and measures and weighing or measuring instruments and the llection and levy of the same;

(*o*) the seizure, detention and destruction of weights and measures and weighing measuring instruments which are not authorized by this Act [3][*

* * * *

42. [*Power of municipality and district local board to make regulations.*] *Deleted by Bom. 15 of 1955, s. 26.*

PART VI.

MISCELLANEOUS

43. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules or regulations. Protection to persons acting in good faith.

44. No prosecution under this Act shall be instituted except by or with the previous sanction of [1][an officer authorized under sub-section (2) of section 19 and specially empowered] by Government in this behalf. Cognizance of offences.

[2][**44A.** Where a person committing an offence under this Act is a Company, or other body corporate, or an association of persons (whether incorporated or not), every director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.] Offences by corporations and associations of persons.

45. Any of the powers and duties conferred and imposed upon Government by this Act may be exercised and performed, subject to such conditions as Government may think fit, by any person whom Government may, by general or special order, empower in this behalf. Delegation of powers by Government.

46. Government may, after previous publication by notification in the [3][*Official Gazette*], and subject to such conditions and restrictions as it may think fit to impose, exempt any class of persons, any commodity, trade, [4]* any class of trades [5][or any class of weights or measures or of weighing or measuring instruments used or intended to be used for any purpose other than trade] specified in the notification from all or any of the provisions of this Act. Power to exempt specified persons, articles or trades from provisions of the Act.

[6][**46A.** Government may prescribe the amount of error to be tolerated in selling articles by weight or measure generally or as regards any trade or class of trades.] Power to prescribe the amount of error to be tolerated in selling article by weight or measure.

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[1] These words, brackets and figures were substituted for the words "the Collector or any officer specially empowered by him or" by Bom. 15 of 1955, s. 27.
[2] This section was inserted by Bom. 17 of 1951, s. 3.
[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the adoptation of Indian Laws Order in Council.
[4] The word "or" was omitted by Bom. 33 of 1935, s. 4 (*i*).
[5] These words were inserted, *ibid.*, s. 4 (*ii*).
[6] Section 46A was inserted by Bom. 22 of 1936, s. 5.

On the coming into force of this Part in any a

(*a*) the enactments specified in Part I of the Second Schedule shall be deemed to ve been amended to the extent and in the manner specified in the third column ereof;

(*b*) the enactments specified in Part II of the said schedule shall be deemed to ve been repealed, so far as they apply to the presidency of Bombay, to the tent specified in the third column thereof:

Provided t

(*i*) the said repeal shall not affect the validity or invalidity of anything already d[illegible] the enactments repealed by this Act;

(*ii*) all appointments made, notifications and notices issued, rules, by-laws and orders made, contracts entered into and suits and other proceedings instituted under any Act or enactment repealed by this Act shall, so far as they are not inconsistent with the provisions of this Act and the rules and regulations, continue in force and be deemed to have been made, issued, entered into and instituted under this Act.

Explanation 1.—The equivalent value of the abovementioned iridio-platinum cylinder when weighed in Standard Indian Air against Brass Weights having a specific gravity of 8·143 is 1800·00394 grains, i.e., a brass weight whose value in vacuo is 1800·00394 grains will exactly equilibrate the abovementioned iridio-platinum cylinder in Standard Indian Air.

Explanation 2.—Since the Bombay tola equals 180 grains in vacuo, its absolute value is equivalent to ·10000856 of the absolute value of the abovementioned iridio-platinum cylinder. But in practice, all varifications against the abovementioned iridio-platinum cylinder are carried out by weighments in air, and therefore the value 1800·00394 grains is always used for verifying weights.

Explanation 3.—Standard Indian Air is defined as follows :—
Temperature : 85 deg. Fahr.—29·44 deg. Cent. Pressure : A column of mercury at 0 deg. C. 29·8 inches or 756·919 mm. in height. Carbon diox. gas : 0·0006 of the volume of air. Vapour tension : 0·75 inches=19·05 mm. Latitude at Calcutta 22° 35′ 6·6″. Height above M. S. L.=22·6 feet. A litre of Standard Indian Air at Calcutta weights 1·14917 grm.

Dry measures—
The Bombay seer.
The sub-multiples ½, ¼ and ⅛ seer.
The Bombay Chatak=1/16 seer.
The Adpao=⅛ seer.
The Adholi=2 seers.
The Bombay payali of 4 seers.
The Bombay Maund of 16 payalis.
The Bombay Map of 2 maunds.

Liquid measure—
The Bombay seer.
The sub-multiples ½, ¼, ⅛ and 1/16
The multiples 2, 4 and 8 seers.
The Imperial gallon.
The Pint=⅛ gallon.

Dry and Liquid measures—Explanations—
Explanation 1.—The unit of capacity called the Bombay seer is equivalent to the volume occupied by 80 tolas of air-free distilled water weighed in Standard Indian Air against brass weights having a specific gravity of 8·143.
Explanation 2.—The unit of capacity called the Imperial gallon contains ten British Standard pounds of water at 62° F. being in volume 277·274 cub. in., which contains each 252·724 grains of water in a vacuum at 62° or 252·458 grains of water weighed with the brass weights in air of 62° with the barometer at 30 in.

Length—
The Yard—
The Inch=1/36th yard, and
The Foot=⅓rd yard.
The Furlong of 220 yards.
The Mile of 1,760 yards.
The yard is that unit of length which is exactly equal to the certified yard kept in the custody of the Mint Master, Bombay.

Area and volume—

The Square Yard, Square Foot and Square Inch.
The Cubic Yard, Cubic Foot and Cubic Inch and sub-multiples of a Cubic Inch.
The anna of $1\frac{1}{6}$ of the guntha.
The Guntha of 121 square yards and the acre of 4,840 square yards for land measurement.
The Square of 100 square fe
The Brass of 100 cubic feet

THE SECOND SCHEDULE.

(*See* section 47.)

PART I.

Enactments amended.

No. and year of Act.	Title	
		Acts of the Governor of Bombay in Council.
[of 1901	The Bombay District Municipal Act, 1901.	For section 143 the following section shall be substitu namely :—
		" 143. The president, vice-president, or any council officer authorized by the mun lity in this behalf may at all re able times enter into any [1][(other than a place prescrib rules made under the Bo Weights and Measures Act, 1932)] where weigl measures or weighing or measuring instruments are or kept for purposes of trade and inspect such weigl measures or weighing or measuring instruments."
		Powers of inspection of weights and measures, etc.
VI of 1923 ...	The Bombay Local Boards Act, 1923.	After section 61A the following section shall be ins namely :— [*See* section 61B of Bom. 6 of 1923,
VIII of 1925 ...	The Bombay Municipal Boroughs Act, 1925.	For section 177 the following section shall be substit namely :— [*See* section 177 of Bom. 18 of 1925,
XVII of 1933.	The City of Karachi Municipal Act, 1933.	In section 165 after the word " place " the words, fi and brackets " (other than a place prescribed Government by rules made under the Bo Weights and Measures Act, 1932)." shall be inserte

PART II.

Enactments repealed.

No. and year of Act.	Title.	Extent of repeal.
		Acts of the Governor General in Council.
XXXI of 1871 ...	The [1]Indian Weights and Measures of Capacity Act, 1871.	The whole.
II of 1889 ...	The [1]Measures of Length Act, 1889.	The whole.
		Acts of the Governor of Bombay in Council.
[2]Regulation XII of 1827.	A regulation for the establishment of a system of police throughout the zilas subordinate to Bombay for providing rules for its administration and for defining the duties and powers of all police authorities and servants.	Section 20.
II of 1886 ...	The Bombay General Clauses Act, 1886.	In Schedule B the entry relating to section 20 of Bombay Regulation XII of 1827.
II of 1888 ...	The City of Bombay Municipal Act, 1888.	Sections 418, 419 and 420. Section 461, clause (*o*), sub-clause (*ii*). In section 471, the entries relating to section 420, sub sectin (*2*), clauses (*a*),(*b*), (*c*) and (*d*) and sub-sectioı (*3*), clauses (*a*) and (*b*).
II of 1901 ...	The Bombay District Municipal Act, 1901.	Clauses (*e*) and (*ee*) of sub-section (*1*) of section 48.
V of 1904 ...	The Bombay District Municipal (Amendment) Act, 1904.	Section 3.
I of 1921 ...	The City of Bombay Municipal (Amendment) Act, 1921.	Sections 2, 3 so far as it relates of sub-clause (*i*) of clause (*o*) of section 461 and section 4.
VIII of 1925 ...	The Bombay Municipal Boroughs Act, 1925.	Clauses (*h*) and (*i*) (

COORG ACT NO I OF 1931.

PASSED BY THE COORG LEGISLATURE.

(Received the assent of the Governor-General on the 30th June 1931).

An Act to regulate Weights and Measures of Capacity in Coorg.

Preamble.

WHEREAS it is expedient to provide for the regulation of the weights and measures of capacity in use throughout Coorg;

And whereas the previous sanction of the Governor-General required by section 80-A, sub-section (3), of the Government of India Act has been obtained to the passing of this Act;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. This Act, may be called the Coorg Weights and Measures of Capacity Act, 1931.

It extends to the whole of Coorg, and shall come into force from such date, not being less than three months after the date of the passing of this Act, as the Local Government may by notification in the Coorg Gazette direct.

Standard.

2. (1) The primary standard of weight shall be the tola of 180 grains troy, being the weight of one rupee of the currency of British India.

(2) The primary standard of measure of capacity shall be the seer, that is to say, the full content of a hollow brass cylinder which when full to the brim holds precisely 100 tolas (of 180 grains troy) weight of distilled water at its maximum density and under the normal atmospheric pressure.

Systems of weights and measures authorised in Coorg.

3. The use in Coorg of any weight or measure belonging to one of the following systems shall be authorised.

(a) The Coorg weights—

$27\frac{2}{9}$ tolas = 1 seer

40 seers = 1 maund (=28℔ avoirdupois)

20 maunds = 1 candy.

(b) The Railway weights—

80 tolas =1 seer

40 seers =1 maund (=$82\frac{2}{7}$℔ avoirdupois).

(c) Coorg measures of capacit

1 seer holds	100 tolas
10 see rs	=1 pa
8 paras	=1 bha
and 2 seers	=1 han
60 hanis	=1 kha

Interpretation regarding weights and measures used in documents.

4. In any document executed in Coorg after the coming into force of this Act which is produced in a Court of Law in Coorg in which mention is made of a tola, seer (by weight), maund, seer (capacity), para, bhatti, hani or khandiga, it shall be presumed, unless it is definitely stated to the contrary in the document, that the tola, seer (by weight), maund, seer (capacity), para, bhatti, hani or khandiga, are the Coorg weights and measures specified in section 3.

Provided that in any document dealing with the transport of goods or with the sale of goods otherwise than by retail, the word "seer" and the word "maund" shall, if the context or any applicable custom requires, be presumed to refer to the seer or maund as defined in the system of railway weights specified in section 3.

Other systems of eights and measures ıthorised in Coorg.

5. The use in Coorg of any weight or measure not belonging to a system specified in section 3 shall be authorised, provided that—

(a) the weight or measure belongs to a recognised system of eights and measures and bears clearly stamped upon it the description f the weight or measure which it purports to be, and

(b) the description stamped upon it is a correct description as ıdged by the standards of the system of weights and measures to which belongs.

Shopkeepers to use nly stamped weights ıd measures.

6. Every weight or measure of capacity intended for use by shopkeepers, traders or merchants, or intended for use in a commercial transaction, shall bear clearly stamped upon it the description of weight or ıeasure that it purports to be.

What are unauthorised eights and measures.

7. Any weight or measure the use of which is not authorised by section 3 or section 5 shall be deemed to be an unauthorised weight or measure.

Use of unauthorised eights and measures legal.

8. The use in a commercial transaction of any unauthorised weight or measure of capacity is prohibited.

9. Where any unauthorised weight or measure of capacity is found in the possession of a shopkeeper, trader or merchant, it shall be presumed that such weight or measure is intended for use and has been used in a commercial transaction unless the shopkeeper, trader or merchant proves the contrary.

Presumption as regards possession of unauthorised weights and measures by shopkeepers, etc.

10. Where any unauthorised weight or measure of capacity is found by an officer of Government duly empowered in that behalf in the possession of a shopkeeper, trader or merchant, or being used in a commercial transaction he shall seize it and produce it before a Magistrate who upon its being shown to his satisfaction that the weight or measure is an unauthorised one shall confiscate it and have it destroyed.

Confiscation of unauthorised weights and measures.

11. Whoever after the expiry of six months from the commencement of this Act uses an unauthorised weight or measure of capacity in a commercial transaction shall be liable on conviction for a first offence to a fine not exceeding fifty rupees and for a subsequent offence to a fine not exceeding five hundred rupees.

Penalty for using unauthorised weights and measures.

12. Whoever knowingly counterfeits any mark or marks stamped on a weight or measure of capacity under Government authorisation for the purpose of certifying the correctness of the weight or measure of capacity shall be punishable with imprisonment of either description for a term which may extend to one year and shall also be liable to fine.

Penalty for counterfeiting Government marks stamped on weights and measures.

13. No Court shall take cognisance of a complaint of an offence under this Act unless upon the complaint of a person directly aggrieved or upon the complaint of an officer of Government duly empowered in that behalf.

Persons who can lodge complaints.

14. This Act shall not apply to the weights customarily used by jewellers or by dealers and workers in the precious metals.

Act not applicable to certain class of dealers.

15. Every shopkeeper, trader or merchant, shall allow any officer appointed by Government in this behalf unrestricted opportunity of testing the correctness of the weights and measures in his possession at any time between sunrise and sunset.

Testing of weights and measures.

16. The Local Government shall have power to prescribe the shapes and dimensions and the method of stamping of all or any of the weights and measures of capacity that are permitted to be used and the materials of which the same shall be made.

Shapes and dimensions, etc., of weights and measures.

17. Subject to the provisions of this Act, the Local Government shall have power to make rules, after previous publication in the Coorg Gazette, to regulate any matters connected with the carrying out of the purposes of this Act.

Power to make rules generally.

18. Whoever commits a breach of any provisions of this Act, or of any rules made under it, for which no special penalty is provided, shall be punishable with fine that may extend to Rs. 50, and if such breach has been committed in connection with any weight or measure, the weight or measure that offends against the provisions of this Act, or against the rules made under it, shall be seized and confiscated.

Penalty for breaches not otherwise provided for.

19. The Indian Weights and Measures of Capacity Act, 1871, is hereby repealed in so far as it is applicable to Coorg.

Repeal.

The Weights and Measures Act

(No. XIV of 1356 Fasli)

TRANSLATION

THE WEIGHTS AND MEASURES ACT

XIV of 1356 F.

ssent of H.E.H. the Nizam on 24th Rabi-ul-
1366 H., corresponding to 16th Farwardi, 1356 Fasli).

Whereas it is expedient to consolidate the law relating to the fixation and use of the Standards of Weights and Measures in H.E.H. the Nizam's Dominions ; It is hereby enacted as follows :

CHAPTER I.

Preliminary.

1. (1) This Act may be called the Weights and Measures Act, 1356 Fasli.

(2) Chapters I, II, III, V and VI of this Act shall come into force on such date and in such areas as the Government may, by notification in the Jarida, determine from time to time.

(3) Chapter IV shall come into force on the expiry of six months from the commencement of Chapters I, II, III, V and VI in such areas as the Government may, by notification in the Jarida, determine.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) "Inspector" means an officer appointed under this Act to carry out the duties of an inspector ;

(2) "Measure" includes any instrument for the measurement of length, area, capacity or volume ;

(3) "Weighing instrument" includes scale, weight or the weights belonging thereto, scale beam and pans, spring or mechanical balance, weighing machine, and other instruments for weighing ;

(4) "Primary standard" means the standard prepared in accordance with the provisions of section 4 and

stamped with the distinctive stamp ;

(5) "Secondary standard" means the standard prepared in accordance with the provisions of section 6 and stamped with the distinctive stamp ;

(6) "Working standard" means the standard prepared in accordance with the provisions of section 8 an stamped with the distinctive stamp ;

(7) "Verification" or "reverification" with it grammatical variations, means the process of comparing checking or testing any weighing instrument or measure ;

(8) "Prescribed" means prescribed by rules mad under this Act.

CHAPTER II

Standards of Weights and Measures.

3. (1) The weights and measures including the multiples and sub-multiples thereof specified in Parts A and of the Schedule shall, for the purposes of this Act, be standard weights and measures and shall be used in the area where this Act has come into force.

(2) The standard weights specified in Part A of the Schedule may also be used for the weighing of article mentioned in Part B of the Schedule.

(3) Notwithstanding anything contained in sub sections (1) and (2), Government may, by notification in the Jarida, declare, either generally or for any particular trade or class of trades—

(*a*) any other multiples or sub-multiples for weights and measures specified in Parts A and B of the Schedule, or

(*b*) any other weight or measure and any multiple or sub-multiples thereof, to be a weight or measure.

(4) Government may, from time to time by notification in the Jarida, increase or decrease the articles specified in Part B of the Schedule.

(5) The weights and measures, including multiples and sub-multiples thereof notified under sub-section (3) shall be deemed to be standard weights and measures for the purposes of this Act.

4. For the purpose of verifying the secondary standards, standard weights and measures shall be prepared by such agency and shall be of such material, weight, length and form and shall be made in such manner as may be determined by Government by notification in the Jarida. They shall be stamped in the prescribed manner with the distinctive stamp. The standard weights and measures so prepared and stamped shall be called "Primary standards." Primary standards.

5. The Primary standards shall be kept in the custody of such officer in the city of Hyderabad as Government may nominate. They shall, at least once in every five years, be verified, and if necessary, be adjusted or renewed, in such manner and by such officer as the Government may think fit. Custody and verification of Primary standards.

6. For the purpose of verifying the working standards in use in any area standard weights and measures shall be prepared by such agency and shall be of such material, length, form and weight and shall be made in such manner as the Government may prescribe by notification in the Jarida and shall be stamped in the prescribed manner with the distinctive stamp. The standard weights and measures so prepared shall be called secondary standards. Secondary standards.

7. (1) The secondary standards shall be kept in the city of Hyderabad and in the custody of such other officer and at such places as the Government may think fit. Custody and verification of secondary standards.

(2) The secondary standards shall, at least once in every five years, be verified and if necessary renewed in the prescribed manner by such officers as the Government may nominate in this behalf. Such verification shall be, with the date thereof, marked on the secondary standards.

(3) Secondary standards not verified or renewed in accordance with sub-section (2) or not marked in the prescribed manner, shall not be legal and shall not be used for the purposes of this Act.

8. For the purpose of verifying weights and measures in use in any area, standard weights and measures shall be prepared by such agency and shall be of such material, length, weight and form and shall be made in such manner as the Government may by notification in the Jarida prescribe. They shall be stamped, in the prescribed manner, by the distinctive stamp. Standard weights and measures so prepared shall be called working standards. Working standards.

custody and verification of working standards.

9. (1) The working standards shall be kept in the custody of such officer in the city of Hyderabad and other areas at such places as Government may think fit.

(2) A working standard shall be verified, renewed and stamped by such person and at such place and in such manner as Government may prescribe.

(3) Working standards not verified or renewed in accordance with sub-section (2) or not marked in the prescribed manner shall not be legal, and shall not be used for the purposes of this Act.

Weighing and measuring instruments.

10. Weighing and measuring instruments stamped in the prescribed manner by the proper authority shall be kept at the places where secondary standards or working standards are kept. Such instruments shall be of prescribed kind, and shall be verified, adjusted or renewed in the prescribed manner

Prohibition of weights and measures other than standard weights and measures.

11. (1) Notwithstanding anything to the contrary in any law for the time being in force, and subject to exceptions under section 39, in any dealing or contract for any work to be done or goods to be sold or delivered by weight or measure, the use of any weight or measure other than the weight or measure of multiples or sub-multiples thereof specified in the Schedule, shall not be lawful.. When anything appears to have been done or goods sold or delivered by weight or measure in any dealing or execution of contract it shall be presumed that the dealing or execution of the contract or the sale or delivery of goods, is effected according to the weight or measure or multiples or sub-multiples thereof specified in the Schedule.

(2) Any dealing or contract had or made in contravention of the provisions of sub-section (1), so far as it contravenes the said provisions shall be void unless it is proved that such dealing or contract was had or made without intention to contravene the said provisions.

Explanation :—Unless there is anything repugnant in the subject or context, a dealing or contract is hereinafter called "trade"

CHAPTER III.

Verification and Stamping of Weights and Measures.

Stamping.

12. Every weight which conforms to the provisions of this Act, except where the small size of the weight renders

: impracticable, shall have the denomination thereof stamped n the top or side thereof in legible figures and letters. Every measure of length, area, capacity or volume, which onforms to the provisions of this Act shall have the length r volume thereof inscribed or stamped according to its ize, on the outside of such measure in legible figures and etters. A weight or measure which does not conform to he provisions of this section shall not be stamped in accorlance with the provisions of this Act.

13. No weight or measure shall be used for trade nless it has been verified or re-verified and stamped in the rescribed manner by an inspector.

(2) Government may prescribe the amount of error o be tolerated in weighing or measuring instruments used or trade.

14. No weighing or measuring instrument shall be sed in trade unless it has been verified or re-verified and tamped within the prescribed period and in the prescribed nanner by an inspector.

15. No weighing or measuring instrument shall be old or delivered unless it has been verified or re-verified and tamped within the prescribed period and in the prescribed nanner by an inspector.

16. No person shall make, repair or sell any weighing or measuring instruments unless he has obtained from Government a license for making, repairing or selling them.

17. Government shall make proper arrangements for verifying and stamping weighing and measuring instruments in the city of Hyderabad, in District headquarters and at such other places as they may think fit.

18. (1) Government shall appoint a sufficient number of persons with prescribed qualifications for protection and custody of working standards and for the discharge of the duties of an inspector in accordance with the provisions of this Act.

(2) Government may empower an officer to inspect

19. An inspector shall test every weighing or measuring nstrument which is brought to him for the purpose of verification. If he finds such weighing or measuring instrument up to the standard he shall stamp the same with verification stamp in the prescribed manner.

20. (1) Every inspector empowered in writing in this behalf by Government shall be authorised—

(*a*) to inspect at all reasonable times measures and weighing or measuring instruments, within the area under his charge, which are in the possession of any person or in any premises for use for trade and to compare such weighing or measuring instrument with a working standard or a weighing or measuring instrument prescribed for this purpose and verify it ;

(*b*) to seize and detain any weighing or measuring instrument which appears to have been or which may be used, for the commission of an offence under this Act

(2) For the purpose of inspection, the inspector shall be authorised to enter at all reasonable times into any place where weighing or measuring instruments are used or kept for purpose of trade and to inspect such weighing or measuring instruments.

21. (1) In case of difference of opinion between an inspector and any person as to the meaning or interpretation of any rule made under this Act or as to the manner of application, verification or stamping of any weighing or measuring instrument, the matter shall be, by an application referred for decision to any officer appointed by Government in this behalf.

(2) An appeal against any decision under sub-section (1) shall lie within thirty days, to the Government or an officer appointed by them and such decision shall be final.

22. Government may levy fees for verification, re-verification or stamping of weighing or measuring instruments.

23. A weighing or measuring instrument stamped by an inspector in the precribed manner shall be deemed to be accurate until proved inaccurate and shall not be liable to be stamped merely because used in any other area in addition to that in which it was originally stamped.

24. A weighing or measuring instrument stamped in the prescribed manner shall be deemed, if produced in any court by any public servant having charge thereof under the direction of Government or by any person acting under the general or special direction of such public servant, to be correct until its inaccuracy is proved.

Presumption as to stamped weighing and measuring instruments.

CHAPTER IV.

Penalties.

25. Whoever fraudulently uses any weighing or measuring instrument shall be punished with imprisonment which may extend to three months or with fine which may extend to rupees five hundred or with both.

Penalty for fraudulent use of weighing or measuring instrument.

26. Whoever knowingly makes, sells or disposes of or causes to be made, sold or disposed of, any weighing or measuring instrument which is false or defective shall be punished with rigorous imprisonment which may extend to three months or with fine which may extend to rupees five hundred or with both.

Penalty for making and selling false or defective weighing or measuring instrument.

27. Whoever sells any article by any weight or measure other than the prescribed standard weight or measure shall be punished with fine which may extend to rupees five hundred.

Penalty for selling articles by weight or measure other than standard weights or measures.

28. Whoever uses or has in his possession for trade any weighing or measuring instrument not authorised in accordance with the provisions of this Act shall be punished with fine which may extend to rupees five hundred.

Penalty for use and possession of unauthorised weighing or measuring instrument.

Explanation :—A weighing or measuring instrument if found in a place where trade is carried on or articles are sold, purchased or delivered, the presumption shall be that such instrument is kept for use for the purpose of trade.

29. Whoever sells any article by weight or measure and delivers to the purchaser at a weight or measure less than that with which the sale should be made, shall be punished with fine which may extend to rupees three hundred.

Penalty for giving short weight or measure.

30. Whoever has in his possession for trade any weighing or measuring instrument not verified and stamped under this Act, shall be punished with fine which may extend to rupees two hundred.

Penalty for possessing weights, weighing or measuring instruments not verified or stamped.

31. (1) Whoever sells or delivers any weighing
easuring instrument not verified and stamped in tl
escribed manner, shall be punished with fine which m
tend to rupees one thousand.

(2) Whoever makes, or repairs any weighing
easuring instrument shall be punished with fine wl
ay extend to rupees one thousand

32. (1) Whoever forges or counterfeits any stamp usec
accordance with the provisions of this Act, for the stam-
ng of any weighing or measuring instrument or remove
stamp from any weighing or measuring instrument o
serts it into a weighing or measuring instrument or wilfully
creases or diminishes a stamped weighing or measurin
strument or alters it in any other way shall be punishec
ith rigorous imprisonment which may extend to six month
with fine or with both.

(2) Whoever knowingly uses, sells, utters, disposes of o
is in his possession for sale any weighing or measurin
strument which is forged or stamped with counterfei
amp, or which is increased or diminished, shall b
nished with imprisonment which may extend to si
onths or with fine or with both.

33. Whoever neglects or refuses when demanded b
inspector to produce for inspection any weighing or measur-
g instrument in his possession or control for trade o
eglects or refuses to permit an inspector to examine the sam
obstructs the entry of an inspector under section 20 o
herwise obstructs or hinders him in the performance of hi
ties shall be punishable with fine which may extend t
pees five hundred.

34. For the recurrence of the foregoing offences, i
ases where it is possible, the offender shall be liable to doubl
he punishment provided in this Act.

35. If an inspector knowingly stamps a weighing o
easuring instrument in contravention of the provisions o
his Act or is guilty of a breach of any duty imposed o
im under this Act, he shall be punished with imprison
nent which may extend to one year and also wit
ine

CHAPTER V.

Miscellaneous.

36. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act. Protection to persons acting in good faith.

37. No prosecution under this Act shall be instituted unless the sanction of the Taluqdar or any officer authorised by Government in this behalf has been obtained. Cognizance of offences.

38. The powers and duties of the Government under this Act may be exercised and performed by an officer empowered by Government in this behalf by general or special order. Delegation of powers.

39. Government may by notification in the Jarida, under such conditions and restrictions as they may think fit, exempt any class of persons, any commodity, trade, any class of trades or any class of weighing or measuring instruments used or intended to be used in trade, from all or any of the provisions of this Act. Power to exempt persons, trade or weighing or measuring instruments.

CHAPTER VI.

Rules.

40. (1) Government may make rules for carrying into effect the purposes of this Act. Power to make rules.

(2) Without prejudice to the generality of sub-section (1) Government may make rules for the following matters :—

(*a*) the composition, weight, length, form and specifications of secondary standards and the manner in which they shall be made ;

(*b*) the procedure for the adjustment, verification re-verification, or renewal of primary and secondary standards and the manner of affixing date on the secondary standards and the form of stamp

(*c*) the composition, weight, length, form, specifications and use of working standards, the manner in which such standards shall be stamped and its form and places at which and the manner in which such standards shall be kept;

(*a*) the procedure for verification or re-verification of and affixing date on the working standards and determination of the officer by whom and the place where they shall be verified or re-verified ;

(*e*) the number of weighing and measuring instruments to be kept for the purpose of adjustment and necessary particulars relating thereto and the procedure for their verification or re-verification

(*f*) the composition, weight, length, form, specifications and manufacture of weighing and measuring instruments in use in any area ;

(*g*) the verification, re-verification of and the manner of stamping weight and measure and weighing or measuring instruments in use in any area and its form and the prohibition of stamping where the weighing or measuring instrument as regards its nature, denomination, material or mode of manufacture appears to facilitate forgery and the period within which such weighing or measuring instruments shall be verified or re-verified ;

(*h*) circumstances and conditions under which and the manner in which stamp may be obliterated or defaced

(*i*) the manner for testing the accuracy and efficiency of weighing or measuring instruments to be used ;

(*j*) the limits of error to be allowed on verification and to be tolerated on re-verification in weighing or measuring instruments used or intended to be used generally in trade or in any particular trade ;

(*k*) fixation of fees to be charged for the verification re-verification, adjustment, renewal and stamping of weighing or measuring instruments and recovery thereof

(*l*) the seizure, custody and destruction of unauthorised weighing or measuring instruments ;

(*m*) determination of the qualifications, functions and duties in general of an inspector ;

(*n*) the conditions and fees for granting license to persons making, selling and repairing weighing and measuring instruments.

(3) Government may punish any person for contravention of any rule with fine which may extend to rupees five hundred.

41. On the commencement of this Act or any part thereof in any area or areas the following Acts or sections of

the Acts shall be deemed to be repealed in such area or areas :—

(1) The Weights and Measures Regulation 1283 F.

(2) The Weights and Measures Act 1310 F.

(3) The Weights and Measures Act 1317 F.

(4) Clause (*h*) of sub-section (2) of section 5 of the Agricultural Markets Act.

(5) Section 83 of the Municipal Board Act.

S. M. YONUS,
Secretary,
Legal Department.

SCHEDULE.

Part A.

SECTION 4 SUB-SECTION (1)

Standard Weights and Measures.

A Tola = 180 grains
A Seer = 80 tolas
A Maund = 40 seers
A Palla = 3 maunds
A Khandi = 20 maunds

Multiples of Tola, Seer, Palla and Khandi and Sub-multiples of Tola, Seer, Maund, Palla and Khandi namely 1/2, 1/4, 1/8, 1/16 and 1/32

A Masha of 1/12 tola
A Chatak of 1/16 seer.

The grain is that unit of weight vacuo which multiplied by 1799.84585 is equal to the weight of the India platinum cylinder in the custody of the Mint Master, the value of which is certified by the Standard Department of the British Board of Trade as 1799.84585 grains vacuo.

Explanation 1. In practice weights shall be certified in air

Explanation 2. Standard Indian Air is defined as—

Temperature : 85 deg. Fahr. 29.44 deg. Cent.

Pressure : A column of Mercury at 0 deg. C. 29.8 inches or 756.919 mm.

Carbon-diox. gas : 0.0006 in an unit volume of air.
Vapour tension : 0.75 inches = 19.05 mm.
Latitude at Calcutta : 22° 35′ 2″
Height above M.S.L. : 22.6 feet.

1 Litre of Standard Indian Air at Calcutta weighs 1.14917 grm.

Measures:—

Seer
Maund = 40 seers.
Palla = 120 seers.

The submultiples of seer 1/2, 1/4, seer.

The Chatak = 1/16 seer
The Adholi = 2 seers.
The Pyali = 4 seers.

Multiples of pyali of 2 seers.

IMPERIAL GALLON.

The Pint = 1/8 gallon.

Explanation 1. The seer is that measure of capacity in which one seer air-free distilled water when weighed must be contained.

Explanation 2. The Imperial Gallon is that measure of capacity which has been certified in accordance with the provisions laid down by the Government and which is kept in the custody of the Mint Master.

Standard of Length :—

The Yard.
The Inch = 1/36 yard.
The Foot = 1/3 yard.
The Furlong = 220 yards.
The Mile = 1,760 yards.

Explanation. The yard is that unit of length which is equal to the certified yard kept in the custody of the Mint Master.

Area :—

The Square Yard, Square Foot, Square Inch, Cubic Foot, Cubic Yard, Cubic Inch and their sub-multiples.

The Guntha = 121 Square Yards.
One Acre = 4,840 Square Yards.

Part B.

Pound avoirdupois equal to 7,000 grains.

16 ounces	1 pound
16 drams	1 ounce
1 stone	14 pounds
1 quarter	28 pounds
1 hundred weight	112 pounds
1 ton	2,240 pounds

The articles for which the weights of Part B may also be used are :—

Bales of Cotton, Dresses, Cloth, Coal, Coke, Tin, Zinc, Steel and Articles made of Tin, Zinc and Steel. Hides and

S. M. TOUNUS,
Secretary,
Legal Department.

[Printed under the authority of the Governor of Madras by the Superintendent, Government Press, Madras.]

GOVERNMENT OF MADRAS.

LEGAL DEPARTMENT.

MADRAS ACT No. XXII OF 1948.

[*Received the assent of His Excellency the Governor-General on the 11th January 1949, first published in the "Fort St. George Gazette" on the 25th January* 1949.]

An Act to regulate the use of weights and measures in the Province of Madras.

WHEREAS it is expedient to regulate the use of weights and measures in the Province of Madras; It is hereby enacted as follows:—

PRELIMINARY.

1. (1) This Act may be called the Madras Weights and Measures Act, 1948. Short title, extent and commencement.

(2) It extends to the whole of the Province of Madras.

(3) This section shall come into force at once; and the Government may, from time to time, by notification in the *Fort St. George Gazette*, apply the rest of this Act to the whole or any portion of the Province with effect from such date as may be specified in the notification.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(1) "Government" means the Provincial Government;

(2) "Inspector" means an Inspector of Weights and Measures appointed under section 6;

(3) "measuring instrument" means any instrument fo the measurement of length, area or capacity;

(4) "prescribed" means prescribed by rules mad under this Act;

(5) "recognized weight or measure" means a weigh or measure referred to in section 3;

(6) "weighing instrument" includes scales, scal beams, balances, spring balances, steel yards and weighin machines.

RECOGNIZED WEIGHTS AND MEASURES AND THE STAMPING THEREOF AND OF WEIGHING AND MEASURING INSTRUMENT

3. (1) (*a*) The standard weights specified in the Standarc of Weight Act, 1939, and the other weights specified in Part of the Schedule, being integral multiples or sub-multiples c one or more of the standard weights aforesaid, shall be th recognized weights for the purposes of this Act.

(*b*) The measures of length and area specified in Part I of the Schedule shall be the recognized measures of lengt and area for the purposes of this Act.

(*c*) The measures of capacity specified in Part II of the Schedule shall be the recognized measures of capacit for the purposes of this Act.

(2) Any integral multiple or sub-multiple of a recognize weight or measure shall also be a recognized weight or measu for the purposes of this Act, if such multiple or sub-multipl is notified in that behalf in the *Fort St. George Gazette* by th Government or by any authority or officer empowere by them.

(3) Where a weight or measure is specified in th Schedule or in a notification issued under sub-section (2) a one to be used in a particular trade, it shall be deemed to b a recognized weight or measure only for the purposes of tha particular trade.

4. (1) For the purpose of verifying or testing the correct ness of weights and measures purporting to be recognize weights and measures and of weighing and measuring instru ments, the Government shall cause to be prepared suc number of authenticated sets of recognized weights an measures as they may think fit, to be working standards.

(2) For the purpose of verifying or testing the correctnes of the working standards aforesaid, the Government sh cause to be prepared such number of authenticated se of recognized weights and measures as they may think f and shall supply one such set to the Board of Revenue and the Collector of every district. Such sets shall be call primary standards.

(3) The primary standards and working standards sh be made of such material and according to such specificatio and shall be prepared by such agency, and shall be stamp by such person and in such manner as may be prescribe

They shall also be verified and re-verified by such person, at such place, and in such manner as may be prescribed.

(4) The working standards shall be kept by such officers as the Government may direct, at such places and in such manner as may be prescribed.

Stamping of recognized weights and measures and of weighing and measuring instruments.

5. (1) Every recognized weight or measure shall bear the description of the weight or measure which it purports to be, togeth r with such other mark as may be prescribed, stamped upon it in such manner, and by such person, as may be prescribed :

Provided that the Government may, by notification in the *Fort St. George Gazette*, exempt any recognized weight or measure from such stamping, if, in their opinion, it is impracticable to stamp such weight or measure owing to its small size.

(2) Every weighing or measuring instrument which is calibrated with reference to recognized weights or measures, and every weighing instrument which is capable of being used with reference to recognized weights, shall be stamped in such manner, and by such person, as may be prescribed.

APPOINTMENT AND POWERS OF INSPECTORS.

Appointment of Inspectors.

6. (1) The Government or any authority or officer empowered by them may appoint one or more Inspectors of Weights and Measures for the purpose of carrying out the provisions of this Act and the rules made thereunder.

(2) Every Inspector appointed under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Central Act XLV of 1860.

Inspection of weights, measures and instruments.

7. (1) An Inspector may, within the area under his jurisdiction, inspect at all reasonable times, the weights, measures and weighing and measuring instruments used by, or in the possession of, any trader and verify—

(*a*) whether such weights and measures are recognized weights and measures and, if so, whether they are correct ; and

(*b*) whether such weighing and measuring instruments are correct instruments.

(2) For the purpose of such inspection, the Inspector may, at all reasonable times, enter and search the business premises of any trader.

(3) Where a building is used by a trader partly for dwelling purposes and partly for business purposes, the whole of such building shall, for the purposes of this section, be deemed to be his business premises.

Seizure by Inspector and forfeiture of unrecognized or incorrect weights, measures, or instruments.

8. If an Inspector has reason to believe—

(*a*) that any weight or measure is not a recognized weight or measure, or is a recognized weight or measure which has not been stamped as required by section 5, sub-section (1), or is a recognized weight or measure which is incorrect ; or

(*b*) that any weighing or measuring instrument has been calibrated with reference to any weights or measures other than

recognized weights or measures, or has not been stamped a required by section 5, sub-section (2), or is incorrect,

the Inspector shall seize such weight, measure or instru ment and produce it before a Magistrate who shall, if he find that such weight, measure or instrument properly falls unde any of the descriptions referred to in clause (*a*), or clause (*b*) as the case may be, order it to be forfeited to the Governmen or destroyed.

PENALTIES AND PROCEDURE.

Penalty for using or possessing unstamped or incorrect weights, measures and instruments.

9. Whoever, after the expiry of six months from th commencement of this Act, uses in a commercial transactio or possesses—

(i) any weight or measure, not being a recognized weigh or measure which has been either stamped as required b section 5, sub-section (1), or exempted from stamping unde the proviso to that sub-section; or

(ii) any recognized weight or measure which, on verifi cation in the prescribed manner, is found to be incorrect; o

(iii) any weighing or measuring instrument which ha been calibrated with reference to any weights or measure other than recognized weights or measures; or

(iv) any weighing or measuring instrument which has no been stamped as required by section 5, sub-section (2), or which on verification in the prescribed manner, is found to be incorrect shall be punishable, for a first offence, with fine which may extend to one thousand rupees, and for a second or subsequent offence, with imprisonment which may extend to one year o with fine or with both.

Penalty on authorized person who stamps weights, measures, etc., incorrectly.

10. If any person duly authorized by rules under this Act to stamp recognized weights and measures, or weighing and measuring instruments, knowingly stamps or causes to be stamped—

(*a*) on any weight or measure, any marks purporting to indicate that it is a recognized weight or measure; or

(*b*) on any weighing or measuring instrument, any marks purporting to indicate that it is a correct instrument,

and such weight, measure or instrument is, on verification in the prescribed manner, found to be incorrect, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

Penalty on unauthorized person who stamps weights, measures, etc.

11. If any person not duly authorized by rules under this Act to stamp recognized weights and measures, or weighing and measuring instruments, knowingly stamps or causes to be stamped

(i) on a weight or measure any marks purporting to indicate that it is a recognized weight or measure, or

(ii) on a weighing or measuring instrument any marks purporting to indicate that it is a correct instrument,

he shall be punishable—

(*a*) if such marks are not accurate with reference to the weight, measure or instrument, with imprisonment for a term which may extend to one year or with fine or with both ;

(*b*) if such marks are accurate with reference to the weight, measure or instrument, with fine which may extend to five hundred rupees.

Penalty for counterfeiting recognized weights, measures and instruments.

12. Whoever counterfeits any marks prescribed for stamping on a recognized weight or measure, or on a weighing or measuring instrument, shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Prohibition of sale or delivery of weight, measure, etc., which has not been verified and stamped.

13. (1) No weight, measure or weighing or measuring instrument, shall be sold or delivered, unless it has been—

(*a*) verified or re-verified in the prescribed manner ;

(*b*) in the case of a weight or measure, also stamped as required by section 5, sub-section (1), except in the case referred to in the proviso to that sub-section ;

(*c*) in the case of a weighing or measuring instrument, also stamped as required by section 5, sub-section (2).

(2) Whoever sells or delivers any weight, measure or instrument, in contravention of sub-section (1), shall be punishable with fine which may extend to five hundred rupees.

Penalty for making, selling or disposing of false or defective weight, measure or instrument.

14. Whoever knowingly makes, sells or disposes of, or causes to be made, sold or disposed of, any recognized weight or measure or weighing or measuring instrument which is false or defective, shall be punishable, for a first offence, with fine which may extend to one thousand rupees, and for a second or subsequent offence, with imprisonment which may extend to one year or with fine or with both.

Penalty for giving short weight or measure.

15. Whoever, in selling any article by weight or measure, delivers or causes to be delivered to the purchaser less than what is purported to be sold shall, if the deficiency exceeds the prescribed limit of error, be punishable with fine which may extend to three hundred rupees.

Penalty for refusal or neglect to produce weight, measure, etc., for inspection.

16. Whoever—

(*a*) refuses or neglects to produce for inspection under section 7, any weight, measure, or weighing or measuring instrument in his possession or on his premises, or

(*b*) refuses to permit an Inspector to test any such weight, measure, or instrument, or

(*c*) obstructs the entry of an Inspector under section 7,

or

(*d*) otherwise hinders an Inspector in the performance of his duties under this Act,

shall be punishable with fine which may extend to five hundred rupees.

Punishment for committing offences through others.

17. (1) Whoever causes any act punishable under this Act, to be done by any adult or child employed by him, shall be liable to punishment for such act as if he had himself done it.

(2) If a child under seven years of age does any such act, the employer of the child, or the parent or other person having the care and custody of the child, as the case may be, shall be liable to punishment for such act as if he had himself done it.

Cognizance of offences.

18. No Court shall take cognizance of an offence punishable under this Act except upon a complaint made by some person aggrieved by such offence, or by an Inspector, or by any other officer or person duly empowered by the Government in this behalf.

MISCELLANEOUS.

Bar of certain suits, prosecutions, etc.

19. (1) No suit or other proceeding shall lie against the Government for any act done or purporting to be done under this Act or any rule made thereunder.

(2) (*a*) No suit, prosecution or other proceeding shall lie against any officer or servant of the Government for any act done or purporting to be done under this Act or any rule made thereunder, without the previous sanction of the Government.

(*b*) No such officer or servant shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of the duties or the discharge of the functions imposed by or under this Act.

Construction of references to weights and measures in dealings or contracts.

20. Notwithstanding anything contained in any law for the time being in force, every dealing had or contract made in the Province of Madras or any portion thereof after this Act has come into force therein, for any work to be done or any goods to be sold or delivered by weight or measure shall be deemed to be had or made according to a recognized weight or measure; and if not so had or made, shall be void and no document reducing to writing or recording any dealing or contract not so had or made, shall be registered under the Indian Registration Act, 1908.

Power to make rules.

21. (1) The Government may make rules for carrying into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) all matters expressly required or allowed by this Act to be prescribed;

(*b*) the material, mode of composition, form and specification of recognized weights and measures and of weighing and measuring instruments and the persons by whom and the number in which they should be made;

(*c*) securing the authenticity of recognized weights and measures which have been exempted from stamping under the proviso to section 5, sub-section (1);

(*d*) the procedure for the verification or re-verification of recognized weights and measures and of weighing and measuring instruments and the person by whom and the intervals within which such verification or re-verification shall be made;

(*e*) the circumstances and conditions under which, and the manner in which, the stamps upon any recognized weight or measure or upon any weighing or measuring instrument may be obliterated or defaced;

(*f*) the tests to be applied for the purpose of ascertaining the accuracy of recognized weights and measures and of weighing and measuring instruments;

(*g*) the limits of error to be allowed on verification or re-verification, either generally or as regards any particular trade;

(*h*) the fees to be charged for the stamping of weights, measures and weighing and measuring instruments and for their verification or re-verification;

(*i*) any other matter for which there is no provision in this Act and for which provision is, in the opinion of the Government, necessary for giving effect to the purposes of this Act.

22. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force, relating to weights, measures and weighing and measuring instruments.

THE SCHEDULE.

(*See* section 3.)

Part I.

WEIGHTS.

I. *For general use*—

(*a*) The palam, being a weight of 3 standard tolas.

(*b*) The Madras seer, being a weight of 8 palams or 24 standard tolas.

(*c*) The viss, being a weight of 5 Madras seers or 120 standard tolas.

(*d*) The Madras maund, being a weight of 8 visses or 960 standard tolas.

(*e*) The kandy, being a weight of 20 Madras maunds or 19,200 standard tolas.

II. *For use in the trade in gold and silver—*

(*a*) The following multiples of the standard tola, namely :—
2, 3, 4, 5, 10, 20, 30, 50, 100, 200, 300, 500, 1,000 and 2,000.

(*b*) The following sub-multiples of the standard tola, namely :—
½, ¼, 1/8, 1/16 and 1/32.

III. *For use in the trade in precious stones and pearls—*

(*a*) The carat, being a weight equivalent to 1/120 of a standard tola.

(*b*) The following multiples of the carat, namely :—
2, 3, 4, 5, 6, 8, 10, 12, 15, 20, 30, 40 and 60.

(*c*) The following sub-multiples of the carat, namely
½, ¼, 1/5, 1/8, 1/10, 1/16, 1/20, 1/50 and 1/100.

IV. *For use in the Apothecaries' trade—*

(*a*) The drachm, being a weight equivalent to 60 grains.

(*b*) The ounce, being a weight equivalent to 8 drachms or 480 standard grains.

(*c*) The following multiples of the ounce, namely :—
2, 4, 6, 8 and 10.

(*d*) The following sub-multiples of the ounce, namely
½, ¼, 1/8 and 1/16.

(*e*) The scruple, being a weight equivalent to 20 standard grains.

(*f*) Two scruples, being a weight equivalent to 40 standard grains.

(*g*) One-half of a scruple, being a weight equivalent to 1 standard grains.

Part II.

MEASURES OF LENGTH AND ARE.

(*a*) The standard inch, the standard foot and the standard yard as defined in the Measures of Length Act, 1889

(*b*) The link, being a length of 7·92 standard inches.

(*c*) The chain, being a length of 100 links or 22 standard yards.

(*d*) The furlong, being a length of 220 standard yards.

(*e*) The mile, being a length of 8 furlongs.

(*f*) The square inch, being the square of one standard inch.

(*g*) The square foot, being the square of one standard foot.

(*h*) The square yard, being the square of one standard yard.

(*i*) The acre, being an area of 4,840 square yards.

Part III.

MEASURES OF CAPACITY.

I. *For general use—*

(*a*) The cubic inch, being the cube of one standard inch.

(*b*) The cubic foot, being the cube of one standard foot.

(*c*) The cubic yard, being the cube of one standard yard.

(*d*) The Madras measure, being equivalent to 108 cubic inch (62½ fluid ounces).

(*e*) The type seer, being equivalent to 72 cubic inches ($41\frac{2}{3}$ fluid ounces).

Note.—Three type seers are equivalent to two Madras measures.

(*f*) The fluid ounce, being equivalent to 1/1 000th of a cubic foot.

Note.—One fluid ounce of air-free distilled water at 62°F weighs 437·5 standard grains approximately.

(*g*) The pint, being equivalent to 20 fluid ounces.

(*h*) The quart, being equivalent to 2 pints.

(*i*) The gallon, being equivalent to 4 quarts.

(*j*) The bushel, being equivalent to 8 gallons

II. *For use in the Apothecaries' trade*—

(*a*) The fluid ounce as defined above.

(*b*) The following multiples of the fluid ounce, namely :—
2, 4, 6, 8, 10, 12, 16, 24 and 32.

(*c*) The fluid drachm, being equivalent to 1/8th of a fluid ounce.

(*d*) The following multiples of the fluid drachm, namely :—
2, 3 and 4.

(*e*) The minim, being equivalent to 1/60th of a fluid drachm.

(*f*) The following multiples of the minim, namely :—
2, 3, 4, 5, 10, 20 and 30.

GOVERNMENT OF COORG

Legislative Assembly Department

No 14 C L. A/55, Mercara, the 4th January 1955

The following Act of the Coorg Legislature assented to by the President of India is published for general information :—

ACT No. VII OF 1954

(Received the Assent of the President on 2-12-1954)

AN

ACT

to consolidate and amend the law regulating the use of Weights and Measures in the State of Coorg

BE it enacted by the Legislative Assembly, Coorg, in the Fifth Year of the Republic of India as follows :—

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Coorg Weights and Measures Act, 1954.

(2) It extends to the whole of the State of Coorg;

(3) It shall come into force on such date as the Chief Commissioner may, by notification in the *Coorg Gazette*, appoint.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context—

(1) "Inspector" means an Inspector of Weights and Measures appointed under Section 6;

(2) "measuring intstrument" means any instrument for the measurement of length, area or capacity;

(3) "Prescribed" means prescribed by rules made under this Act;

(4) "recognized weight or measure" means a weight or measure referred to in Section 3;

(5) "weighing instrument" includes scales, scale beams, balances, spring balances, steel yards and weighing machines.

Recognized Weights and Measures and the Stamping Thereof and of Weighing and Measuring Instruments

Central Act IX of 1939

3. Recognized weights and measures.—(1) (*a*) The standard weights specified in the Standards of Weight Act, 1939, and the other weights specified in Part I of the Schedule, being integral multiples or sub-multiples of one or more of the standard weights aforesaid, shall be the recognized weights for the purposes of this Act.

(*b*) The measures of length and area specified in Part II of the Schedule shall be the recognized measures of length and area for the purposes of this Act

(*c*) The measures of capacity specified in Part III of the Schedule shall be the recognized measures of capacity for the purposes of this Act.

(2) Any integral multiple or sub-multiple of a recognized weight or measure shall also be a recognized weight or measure for the purposes of this Act, if such multiple or sub-multiple is notified in that behalf in the *Coorg Gazette* by the Chief Commissioner or by any authority or officer empowered by him.

(3) Where a weight or measure is specified in the Schedule or in a notification issued under sub-section (2) as one to be used in a particular trade, it shall be deemend to be a recognized weight or measure only for the purposes of that particular trade.

4. Primary and Working standards.—(1) For the purpose of verifying or testing the correctness of weights and measures purporting to be recognized weights and measures and of weighing and measuring instruments, the Chief Commissioner shall cause to be prepared such number of authenticated sets of recognized weights and measures as he may think fit to be working standards.

(2) For the purpose of verifying or testing the correctness of the working standards aforesaid, the Chief Commissioner shall cause to be prepared two authenticated sets of recognized weights and measures and shall supply one such set to the Assistant Commissioner of Coorg, the other set being kept in his own office. Such sets shall be called primary standards.

(3) The primary standards and working standards shall be made of such material and according to such specifications and shall be prepared by such agency, and shall be stamped by such person and in such manner as may be prescribed. They shall also be verified and re-verified by such person in such place, and in such manner as may be prescribed.

(4) The working standards shall be kept by such officers as the Government may direct, at such places and in such manner as may be prescribed.

5. Stamping of recognized weights and measures and of weighing and measuring instruments.—(1) Every recognized weight or measure shall bear the description of the weight or measure which it purports to be, together with such other mark as may be prescribed, stamped upon it in such manner, and by such person, as may be prescribed:

Provided that the Chief Commissioner may, by notification in the *Coorg Gazette*, exempt any recognized weight or measure from such stamping, if, in his opinion, it is impracticable to stamp such weight or measure owing to its small size.

(2) Every weighing or measuring instrument which is calibrated with reference to recognized weights and measures, and every weighing instrument which is capable of being used with reference to recognized weights, shall be stamped in such manner, and by such person, as may be prescribed.

APPOINTMENT AND POWER OF INSPECTORS

6. (1) The Chief Commissioner or any authority or officer empowered by him may appoint one or more Inspectors of Weights and Measures for the purpose of carrying out the provisions of this Act and the rules made thereunder.

(2) **Appointment of Inspectors.**—Every Inspector appointed under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

7. Inspection of weights, measures and instruments.—(1) An Inspector may within the area under his jurisdiction, inspect at all reasonable times the weights, measures and weighing and measuring instruments used by or in the possession of, any trader and verify—

(*a*) whether such weights and measures are recognized weights and measures and if, so, whether they are correct; and

(*b*) whether such weighing and measuring instruments are correct instruments.

(2) For the purpose of such inspection, the Inspector may at all reasonable times, enter and search the business premises of any trader.

(3) Where a building is used by a trader partly for dwelling purposes and partly for business purposes, the whole of such building shall, for the purposes of this section, be deemed to be his business premises

8. Seizure by Inspector and forfeiture of unrecognized or incorrect weights, measures or instruments.—If an Inspector has reason to believe:

(*a*) that any weight or measure is not recognized weight or measure, r is a recognized weight or measure which has not been stamped as equired by section 5, sub-section (1), or is a recognized weight or measure hich is incorrect;

(*b*) that any weighing or measuring instrument has been calibrated with reference to any weights or measures other than recognized weights or measures or has not been stamped as required by section 5, sub-section (2), or is incorrect,

the Inspector shall seize such weight, measure or instrument and produce it before a Magistrate who shall, if he finds that such weight, measure or instrument properly falls under any of the descriptions referred to in clause (*a*) or clause (*b*), as the case may be, order to be forfeited to the Government or destroyed.

PENALTIES AND PROCEDURE

9. Penalty for using or possessing unstamped or incorrect weights, measures and instruments.—Whoever uses in a commercial transaction or possesses—

(i) any weight or measure, not being a recognized weight or measure which has been either stamped as required by section 5, sub-section (1), or exempted from stamping under the proviso to that sub-section ; or

(ii) any recognized weight or measure which on verification in the prescribed manner, is found to be incorrect ; or

(iii) any weighing or measuring instrument which has been calibrated with reference to any weights or measures other than recognized weights or measures ; or

(iv) any weighing or measuring instrument which has not been stamped as required by section 5, sub-section (2), or which, on verification in the prescribed manner, is found to be incorrect ;

shall be punishable, for a first offence, with fine which may extend to five hundred rupees, and for a second or subsequent offence ; with imprisonment which may extend to one year or with fine or with both.

10. Penalty for using the capacity and volume measures for trading in commodities other than liquids or semi-liquids.—Whoever, after the expiry of two years from the date of commencement of this Act uses permits or allows to be used, the capacity and volume measures for trading in commodities other than liquids or semi-liquids, shall be punishable for a first offence, with a fine which may extend to five hundred rupees, and for a second and subsequent offence, with imprisonment which may extend to one year or with fine or with both.

11. Penalty for not quoting prices on the basis of prescribed weights and measures.—Whoever fails to quote the prices of all commodities on the basis of the recognized weights and measures, shall be punishable with a fine which may extend to one hundred rupees.

12. Penalty on authorised person who stamps weights, measures, etc., incorrectly.—If any person duly authorised by rules under this Act to stamp recognized weights and measures, or weighing and measuring instruments, knowingly stamps or causes to be stamped—

(*a*) on any weight or measure, any marks purporting to indicate that it is a recognized weight or measure ; or

(*b*) on any weighing or measuring instrument, any marks purporting to indicate that it is a correct instrument ;

and such weight, measure or instrument is, on verification in the prescribed manner, found to be incorrect, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with bot

13. Penalty on unauthorised person who stamps weights, measures, etc.—If any person not duly authorised by rules under this Act to stamp recognized weights and measures, or weighing and measuring instruments, knowingly stamps or causes to be stamped—

(i) on a weight or measure any marks purporting to indicate that it is a recognized weight or measure, or

(ii) on a weighing or measuring instrument any marks purporting to indicate that it is a correct instrument,

he shall be punishable—

(*a*) if such marks are not accurate with reference to the weight, measure or instrument, with imprisonment for a term which may extend to one year or with fine or with both;

(*b*) if such marks are accurate with reference to the weight, measure, instrument, with fine which may extend to five hundred rupees.

14. Penalty for counterfeiting recognized weights, measures and instruments.—Whoever counterfeits any marks prescribed for stamping on a recognized weight or measure, or on a weighing or measuring instrument, shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

15. Prohibition of sale or delivery of weight, measure, etc., which has not been verified and stamped.—(1) No weight, measure or weighing or measuring instrument shall be sold or delivered, unless it has been—

(*a*) verified or re-verified in the prescribed manner;

(*b*) in the case of a weight or measure, also stamped as required by section 5, sub-section (1) except in the case referred to in the proviso to that sub-section;

(*c*) in the case of a weighing or measuring instrument, also stamped as required by section 5, sub-section (2).

(2) Whoever sells or delivers any weight, measure or instrument, in contravention of sub-section (1), shall be punishable with fine which may extend to five hundred rupees.

16. Penalty for making, selling or disposing of false or defective weight, measure or instrument.—Whoever knowingly makes, sells or disposes of, or causes to be made, sold or disposed of, any recognized weight or measure of weighing or measuring instrument which is false or defective, shall be punishable, for a first offence, with fine which may extend to one thousand rupees, and for a second or subsequent offence, with imprisonment which may extend to one year or with fine or with both.

17. Penalty for giving short weight or measure.—Whoever, in selling any article by weight or measure delivers or causes to be delivered to the purchaser less than what is purported to be sold shall, if the deficiency exceeds the prescribed limit or error, be punishable with fine which may extend to three hundred rupees.

18. Penalty for refusal or neglect to produce weight, measure, etc., for inspection.—Whoever—

(*a*) refuses or neglects to produce for inspection under section 7, any weight, measure, or weighing or measuring instrument in his possession or on his premises, or.

(*b*) refuses to permit an inspector to test any such weigh measure or instrument, or

(*c*) obstructs the entry of an Inspector under section 7, or

(*d*) otherwise hinders an Inspector in the performance of hi duties under this Act,

shall be punishable with fine which may extend to five hundred rupees.

19. Punishment for committing offences through others.—(1) Whoeve causes any act punishable under this Act, to be done by any adult o child employed by him, shall be liable to punishment for such act as if h had himself done it.

(2) If a child under seven years of age does any such Act, th employer of the child, or the parent or other person having the care an custody of the child, as the case may be, shall be liable to punishment fo such act as if he had himself done it.

20. Cognizance of offences.—No Court shall take cognizance of a offence punishable under this Act except upon a complaint made by som person aggrieved by such offence, or by an Inspector, or by any othe officer or person duly empowered by the Chief Commissioner in thi behalf.

MISCELLANEOUS

21. Bar of certain suits.—(1) No suit or other proceeding shall li against the Government for any act done or purporting to be done unde this Act or any rule made thereunder.

(2) (*a*) No suit, prosecution or other proceeding shall lie agains any officer or servant of the Government for any act done or purporting o be done under this Act or any rule made thereunder, without the previous sanction of the Chief Commissioner.

(*b*) No such officer or servant shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of the duties or the discharge of the functions imposed by or under this Act.

22. Construction of references to weights and measures in dealings or contracts.—Notwithstanding anything contained in any law for the time being in force, every dealing had or contract made in the State of Coorg or any portion thereof after this Act has come into force therein, for any work to be done or any goods to be sold or delivered by weight or measure shall be deemed to be had or made, according to a recognized weight or measure; and if not so had or made, shall be void; and no document reducing to writing or recording any dealing or contract not so had or made, shall be registered under the Indian Registration Act, 1908.

23. Power to make rules.—(1) The Chief Commissioner may make rules for carrying into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) all matters expressly required or allowed by this Act to be prescribed;

(*b*) the material mode of composition, form and specification of recognized weights and measures and of weighing and

measuring instruments and the persons by whom and the number in which they should be made;

(*c*) securing the authenticity of recognized weights and measures which have been exempted from stamping under the proviso to section 5, sub-section (1);

(*d*) the procedure for the verification or re-verification of recognized weights and measures and of weighing and measuring instruments and the person by whom and the intervals within which such verification or re-verification shall be made;

(*e*) the circumstances and conditions underwhich, and the manner in which, the stamps upon any recognised weights or measures or upon any weighing or measuring instrument may be obliterated or defaced;

(*f*) the test to be applied for the purpose of ascertaining the accuracy of recognized weights and measures and of weighing and measuring instruments;

(*g*) the limits of error to be allowed on verification or re-verification, either generally or as regards any particular trade;

(*h*) the fees to be charged for the stamping of weights, measures and weighing and measuring instruments and for their verification or re-verification;

(*i*) any other matter for which there is no provision in this Act and for which provision is, in the opinion of the Chief Commissioner necessary for giving effect to the purposes of this Act.

24. Saving of other laws.—The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force, relating to weights, measures and weighing and measuring instruments.

25. Repeal of Coorg Act No. I of 1931.—The Coorg Weights and Measures of Capacity Act, 1931, is hereby repealed.

THE SCHEDULE

(See *Section 3*)

Part I

WEIGHTS

I. For General use—

(*a*) The Coorg seer, being a weight of 27 2/9 standard tolas.

(*b*) The Coorg maund being a weight of 40 seers or 1,088 8/9 standard tolas.

(*c*) The candy, being a weight of 20 Coorg maunds or 21,777 7/9 standard tolas.

II. For use in the trade in gold and silver—

(*a*) The following multiples of the standard tola, namely:—
2, 3, 4, 5, 10, 20, 30, 50, 100, 200, 300, 500, 1,000 and 2,000

(*b*) The following sub-multiples of the standard tola, namely:—
½, ¼, 1/8, 1/16 and 1/32.

III. For use in the trade in precious stones and pearls—

(*a*) The carat, being a weight equivalent to 1/120 of a standard tol

(*b*) The following multiples of the carat, namely :—
2, 3, 4, 5, 6, 8, 10, 12, 15, 20, 30, 40 and 60.

(*c*) The following sub-multiples of the carat, namely :—
½, ¼, 1/5, 1/8, 1/10, 1/16, 1/20, 1/50 and 1/100.

IV. For use in the Apothecaries' trade—

(*a*) The drachm, being a weight equivalent to 60 standard grains.

(*b*) The ounce, being a weight equivalent to 8 drachms or 480 standard grains.

(*c*) The following multiples of the ounce, namely :—
2, 4, 6, 8 and 10.

(*d*) The following sub-multiples of the ounce, namely
½, ¼, 1/8 and 1/16.

(*e*) The scruple, being a weight equivalent to 20 standard grains.

(*f*) Two scruples, being a weight equivalent to 40 standard grains.

(*g*) One half of a scruple, being a weight equivalent to 10 standard grains.

Part II

Measures of Length and Area.

(*a*) The standard inch, the standard foot and the standard yard as defined in the Measures of Length Act, 1889.

(*b*) The link, being a length of 7·92 standard inches.

(*c*) The chain, being a length of 100 links or 22 standard yards.

(*d*) The furlong, being a length of 220 standard yards.

(*e*) The mile, being a length of eight furlongs.

(*f*) The square inch, being the square of one standard inch.

(*g*) The square foot, being the square of one standard foot.

(*h*) The square yard, being the square of one standard yard.

(*i*) The acre, being an area of 4,840 square yards.

Part III

Measures of Capacity.

I. For General use—

(*a*) The Coorg seer, being capable to hold 100 standard tolas of

(*b*) The Coorg pare, being capable to hold 10 seers.

(*c*) The batti, being equivalent to 8 pares.

(*d*) The cart load, being equivalent to 15 batties

(*e*) The hani, being equivalent to 2 seers.

(*f*) The fluid ounce, being equivalent to 1/1,000 of a cubic foot

Note.—One fluid ounce of air-free distilled water at 62°F. weigl standard grains approximately.

(*g*) The pint, being equivalent to 20 fluid ounces.

(*h*) The quart, being equivalent to 2 pints.

(*i*) The gallon, being equivalent to 4 quarts

(*j*) The bushel, being equivalent to 8 gallor

11. *For use in the Apothecaries' trade*—

(*a*) The fluid ounce as defined above.

(*b*) The following multiples of the fluid ounce, namely :—
2, 4, 6, 8, 10, 12, 16, 24 and 32.

(*c*) The fluid drachm, being equivalent to 1/8 of a fluid ounce

(*d*) The following multiples of the fluid drachm, namely :—
2, 3 and 4.

(*e*) The minim, being equivalent to 1/60 of a fluid drachm.

(*f*) The following multiples of the minim, namely :—
2, 3, 4, 5, 10, 20 and 30.

Mercara
4-1-1955.

M. N. GUNDU RAO,
Secretary, Coorg Legislative Assembly.

WD 3470—GBPM—250—15-1-55 [Price : 6-4-

MYSORE LEGISLATIVE ASSEMBLY

OCTOBER—NOVEMBER SESSION, 1958

Amendments to the Mysore Weights and Measures (Enforcement) Bill, 1958. As passed by the Legislative Council.

(Provisionally Admitted)

Clause 14.

For clause 14, the following clause shall be substituted, namely :—

"**14. Marketing of Weights or Measures in sealed containers.**—No person shall sell, offer for sale, expose for sale or have in his possession for sale, any article contained in a sealed package or container unless such package or container bears thereon, or on a label securely attached thereto, a description of the net weight or measure of the article contained therein :

Provided that the provisions of this section shall not apply to an article sold, offered for sale, exposed for sale, or in possession for sale which is not ordinarily sold in transactions for trade or commerce by weight or measure."

MOVER: **Sri Mali Mariyappa** (Minister for Co-operation).

Date of receipt : 19th September 1958.

Clause 15.

(1) In sub-clause (1), the words "Deputy Controllers" shall be inserted between the words "a Controller of Weights and Measures for the State and as many" and "Assistant Controllers";

(2) In sub-clause (3),—

(i) for the words "all Assistant Controllers of Weights and Measures and Inspectors" the words "all Deputy Controllers,

Assistant Controllers and Inspectors of Weights and Measures" shall be substituted ; and

(ii) the words "Deputy Controllers" shall be inserted between the words "the Controller" and "and the Assistant Controllers".

(3) in sub-clause (4), for the words "the Controller of Weights and Measures, every Assistant Controller and every Inspector", the words "The Controller, every Deputy Controller, every Assistant Controller and every Inspector of Weights and Measures" shall be substituted.

Clause 20.

(1) In sub-clause (1), the words "or any Deputy Controller" shall be inserted between the words "the Controller" and "or any Assistant Controller".

(2) In sub-clause (2), the words "or a Deputy Controller" shall be inserted between the words "the Controller" and "or Assistant Controller".

MOVER : **Sri Mali Mariyappa.**

Date of receipt : 28th October 1958.

BANGALORE, G. S. VENKATARAMANA IYER,

1*st November* 1958.

MYSORE LEGISLATIVE COUNCIL

NOVEMBER—DECEMBER SESSION, 1958.

THE MYSORE WEIGHTS AND MEASURES (ENFORCEMENT) BILL, 1958.

A Bill to provide for the enforcement of standard weights and measures and for matters connected therewith.

(*As passed with amendments by the Legislative Assembly.*)

(*Words underlined or side-lined indicate amendments made by the Legislative Assembly.*)

WHEREAS it is expedient to provide for the enforcement of standard weights and measures and for matters connected therewith;

BE it enacted by the Mysore State Legislature in the Ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY.

1. **Short title, extent and commencement.**—(1) This Act may be called the Mysore Weights and Measures (Enforcement) Act, 1958.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint; and different dates may be appointed for different provisions of this Act or for different areas or for different classes of undertakings or for different classes of goods.

Definitions.—In this Act, unless the context otherwis res,—

(a) "commercial weight or measure" means a weight (measure purporting to be a standard weight or measu used in any transactions for trade or commerce ;

(b) "Controller" means the Controller of Weights an Measures appointed under section 15 ;

(c) "Inspector" means an Inspector of Weights and Measure appointed under section 15 ;

(d) "measuring instrument" means any measuring instru ment other than a weighing instrument and includes an instrument for the measurement of length, area, volume (capacity ;

(e) "Mint" means the mint of the Central Government eith in Bombay or in Calcutta ;

(f) "prescribed" means prescribed by rules made under this Ac

(g) "standard weight or measure" means any unit of mass (measure referred to in sub-section (1) of section 13 of th Standards of Weights and Measures Act, 1956 (Centr Act 89 of 1956) and includes any other weight or measu permitted to be continued to be used by the Centr Government in pursuance of sub-section (1) of section 1 of the said Act ;

"reference standards" means the sets of standard weigh and measures supplied to the State Government by th Central Government in pursuance of sub-section (2) of se tion 15 of the Standards of Weights and Measures Act, 195

"Rules" means rules made under section 42 ;

"stamping" includes casting, engraving, etching, brandin or otherwise marking in such manner as to be, so far a practicable, indelible and the expression "stamp" an other expressions relating thereto shall be construe accordingly ;

"verification" with its grammatical variations used wit reference to a weight or measure or weighing or measu ing instrument, includes the process of comparin checking or testing such weight or measure or weighi or measuring instrument and also includes re-verificatio

"weighing instrument" means any instrument used f weighing and includes scales with the weights belongin thereto, scale-beams, balances, spring balances, steel yard and other weighing machines

CHAPTER II

STANDARD WEIGHTS AND MEASURES.

3. Working standards.—(1) For the purpose of verifying the correctness of commercial weights and measures and weighing and measuring instruments used in transactions for trade or commerce, the State Government shall cause to be prepared such number of authenticated sets of standard weights and measures as it may think fit to be working standards, and special sets of working standards in relation to bullion and precious stones may also be prepared.

(2) The working standards shall be made of such material and according to such designs and specifications and shall be prepared by such agency and shall be stamped and authenticated by such person or authority and in such manner as may be prescribed.

(3) The working standards shall be kept by such officers as the State Government may direct at such places, and in such manner as may be prescribed.

(4) A working standard shall be verified with the secondary standard and marked by such persons, at such places, at such intervals and in such manner as may be prescribed:

Provided that a special working standard in relation to bullion and precious stones shall be verified with the reference standard.

(5) A working standard which is not so verified and marked within the prescribed period shall not be deemed legal or be used for the purposes of this Act.

(6) A working standard which has become defective shall not be deemed legal or be used for the purposes of this Act, until it has been verified and marked in the prescribed manner.

4. Secondary standards.—(1) For the purpose of verifying the correctness of the working standards, the State Government may cause to be prepared at the Mint, such number of authenticated sets of standard weights and measures as they may think fit. Such sets shall be called the secondary standards.

(2) The secondary standards shall be made of such material and according to such design and specifications as may be prescribed and shall be stamped and authenticated by such person or authority as the Central Government may direct.

(3) The secondary standards shall be kept by such officers, as the State Government may direct, at such places, and in such manner as may be prescribed.

(4) A secondary standard shall be verified with the reference standard at least once in every period of five years and shall be marked with the date of verification in the prescribed manner by such person or authority as the State Government may direct.

(5) A secondary standard which is not so verified and marked within the aforesaid period shall not be deemed legal and shall not be used for the purposes of this Act.

5. **Reference Standards.**—The reference standards shall be kept by such officers, at such places, and in such manner as the State Government may direct.

6. **Standard weighing and measuring instruments.**—(1) For the purpose of verifying the correctness of commercial weights and measures and of weighing and measuring instruments used in transactions for trade or commerce, the State Government may cause to be prepared as many sets of weighing and measuring instruments as it may deem necessary.

(2) Such instruments shall be of such kind, kept in such number and shall be verified and stamped in such manner as may be prescribed.

(3) Such instruments shall be kept at all places where secondary standards or working standards are kept.

7. **Prohibition of use of weights and measures other than standard weights and measures.**—(1) Notwithstanding anything contained in any other law or any custom, usage or practice, no unit of mass or measure, other than the standard weights or measures shall be used in any transactions for trade or commerce or any dealing or contract or for any work to be done or goods to be sold or delivered in any area or class of goods or undertakings in respect of which this Act has come into force.

(2) Any custom, usage, practice or method of whatever nature which permits in any trade, a trader, seller or buyer to demand, receive or cause to be demanded or received any quantity of article in excess of, or less than, the quantity fixed by the weight or measure by which the contract or dealing in respect of the said article has been made, shall be void.

(3) Any transaction, dealing or contract, had or made after the expiry of three months from the commencement of this Act shall, in so far as it contravenes the provisions of sub-section (1), be

8. Power to prescribe the use of weights only, or measures only, in certain cases.—Notwithstanding anything contained in this Act, the State Government may, by notification in the official Gazette, direct that in any specified trade or class of trades, no transaction, dealing or contract shall be made or had except by weight only, or except by measure only, and such notification shall take effect in such area, with effect from such date, and subject to such conditions, if any, as may be specified therein.

CHAPTER III.

VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES.

9. Marking of denominations on weights and measures.—Every weight or measure manufactured for use as commercial weight or measure shall bear the description which it purports to be, marked legibly on it in such manner as may be prescribed.

10. Prohibition of sale of unstamped weights and measures.—No commercial weight or measure or weighing or measuring instrument shall be sold or delivered unless it has been verified or reverified in accordance with the rules made under this Act and stamped in the prescribed manner by an Inspector with a stamp of verification under this Act.

11. Prohibition of use of unstamped weights or measures.—No weight or measure or weighing or measuring instrument shall be used in transactions in trade or commerce unless it has been verified or reverified in accordance with the rules made under this Act and stamped in the prescribed manner by an Inspector, with a stamp of verification under this Act.

12. Power of State Government to exempt.—Where the size of a commercial weight or measure renders it impracticable to have any denomination marked on it under the provisions of section 9 or to be stamped under the provisions of section 10 or section 11, the State Government may, by notification in the official Gazette, exempt such weights or measures from being so stamped.

13. Prohibition against manufacture, etc., of weights and measures without licence.—No person shall, in course of any trade, manufacture, repair or sell any commercial weight or measure or any weighing or measuring instrument, unless he has obtained in the prescribed manner a licence in this behalf from the State Government or such officer as the State Government may authorise in this behalf.

14. Marking of weights or measures on sealed containers.—No person shall sell, offer for sale, expose for sale, or have in his possession for sale, any article contained in a sealed package or container unless such package or container bears thereon, or on a label securely attached thereto, a description of the net weight or measure of the article contained therein:

Provided that the provisions of this section shall not apply to an article sold, offered for sale, exposed for sale, or in possession for sale which is not ordinarily sold in transactions for trade or commerce by weight or measure.

15. Appointment of Controller, Assistant Controller and Inspectors.—(1) The State Government may appoint a Controller of Weights and Measures for the State and as many Deputy Controllers Assistant Controllers and Inspectors of Weights and Measures as may be necessary for exercising the powers and discharging the duties conferred or imposed on them by or under this Act.

(2) The State Government may, by general or special order define the local limits within which each Inspector shall exercise the powers and discharge the duties conferred or imposed on Inspector by or under this Act.

(3) Subject to the provisions of this Act, all Deputy Controllers, Assi stant Controllers and Inspectors of Weights and Measures shall perform their functions under the general superintendence and control of the Controller; and the Controller Deputy Controllers and the Assistant Controllers of Weights and Measures may, in addition to the powers and duties conferred or imposed on them by or under this Act, exercise any power or discharge any duty so conferred or imposed on Inspectors.

(4) The Controller, every Deputy Controller, every Assistant Controller and every Inspector of Weights and Measures, appointed under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

16. Verification and stamping by Inspectors.—(1) Every Inspector shall, for the purpose of verification of weights and measures and weighing and measuring instruments, attend at such place and time within his jurisdiction as may be appointed in this behalf by the Controller.

(2) The Inspector shall verify every weight or measure or weighing or measuring instrument which is brought to him for the purpose of verification and if he finds such weight or measure or

weighing or measuring instrument to be correct and in conformit with the Standards of Weights and Measures Act, 1956 (Central A 89 of 1956), and the rules made thereunder, he shall stamp the sam with a stamp of verification in the prescribed manner.

17. Power to inspect, etc.—(1) An Inspector may, within tl area under his jurisdiction, inspect at all reasonable times, the weight measures and weighing and measuring instruments which are used transactions for trade or commerce or are in the possession of a person or are on any premises for such use and may verify every su weight or measure or weighing or measuring instrument with secondary or working standard or weighing or measuring instrume prescribed for the purpose.

(2) For the purpose of verifying the correctness of any weig or measure used in any transaction, an Inspector may also verify tl weight or measure of any article sold or delivered in the course of tl transaction.

(3) An Inspector may, at all reasonable times, require a trader or any employee or agent of a trader to produce before hi for inspection, all weights and measures and weighing and measuri instruments which are used by him or are in his possession or are ke on any premises used for trade and all documents and records relati thereto and such trader, employee or agent shall comply with su requirements.

(4) An Inspector may seize and detain any weight or measu or weighing or measuring instrument in respect of which an offen under this Act appears to have been committed or which appears have been or which might be used in the commission of such a offence, and may also seize and detain any articles sold or delivere or caused to be sold or delivered by means of such weight measure or weighing or measuring instrument together with a documents or records relating thereto.

(5) Where an Inspector has reasons to believe that a seal package or container does not actually contain the net weight measure of the article which it purports to contain, he may brea open the sealed package or container and verify its contents; and i on such verification, the net weight or measure of the article is fou to be correct, he shall reseal the package or container where it possible so to do without injury to the contents thereof and attach a certificate thereto stating the correct weight or measure of the article, but if, on the other hand, the net weight or measure of the article is found to be incorrect, he may seize and detain the package or container and the article contained therein.

(6) For the purpose of inspection under this section, an Inspector may, at all reasonable times, enter into any place where weights, measures or weighing or measuring instruments are used or kept for use in transactions for trade or commerce and inspect such weights and measures and weighing and measuring instruments.

18. Inspector not to be maker, adjuster or seller of weights and measures or weighing or measuring instruments.—An Inspector shall not be employed in the making, adjusting or selling of weights or measures or weighing or measuring instruments :

Provided that in any area in which it appears to the State Government desirable that an Inspector should be allowed to adjust or sell weights or measures, or weighing or measuring instruments, the State Government may, if it thinks fit, authorise such Inspector to adjust or sell weights, measures, or such instruments accordingly.

19. Manufacturers, etc. to maintain records and documents.—(1) Every manufacturer, repairer or dealer in weights and measures or weighing or measuring instruments, and every person using them in transactions for trade or commerce shall maintain such records and accounts as may be prescribed and if required to do so by an Inspector, shall produce such records and accounts before him.

(2) Notwithstanding anything contained in sub-section (1), if the State Government is of opinion that having regard to the nature of business carried on by such manufacturer, repairer or dealer, it is necessary so to do, it may, by order, exempt such person or class of persons from the operation of that sub-section.

20. Appeals.—(1) Any person aggrieved by any decision of an Inspector under this Act may, within sixty days from the date of the decision, prefer an appeal to the Controller, or any Deputy Controller, or any Assistant Controller of Weights and Measures specially authorised in this behalf by the State Government.

(2) Any person aggrieved by any original decision of the Controller or a Deputy Controller, or an Assistant Controller of Weights and Measures under this Act, may within sixty days from the date of the decision, prefer an appeal to the State Government.

(3) On receipt of an appeal under sub-section (1) or (2), the appellate authority shall, after giving the person concerned a reasonable opportunity of being heard, decide the appeal and the decision of the appellate authority shall be final.

21. Levy of fees.—The State Government shall charge such fees—

(*a*) for the grant of a licence under section 13, for the manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments ; and

(*b*) for the verification, marking, stamping and adjustment of commercial weights and measures and weighing and measuring instruments ;

as may be prescribed.

22. Validity of weights and measures duly stamped.—A weight or measure or weighing or measuring instrument, duly stamped by an Inspector under this Act, shall be a legal weight or measure or weighing or measuring instrument in all places in which this Act has come into force unless it is found to be false or defective and shall not be liable to be re-stamped by reason merely of the fact that it is used in any place other than that in which it was originally stamped.

CHAPTER IV.

PENALTIES.

23. Penalty for sale or delivery by weight or measure other than standard weight or measure.—Whoever, after the expiry of three months from the commencement of this section, sells or causes to be sold or delivers or causes to be delivered in the course of any transaction for trade or commerce any article by any denomination of weight or measure other than one of the standard weights or measures shall, on conviction, be punished with a fine which may extend to two thousand rupees and for every succeeding offence, with imprisonment for a period which may extend to three months and with fine.

24. Penalty for sale of unstamped weights and measures.—Whoever sells or delivers any weight or measure or any weighing or measuring instrument which has not been verified or re-verified or stamped in accordance with the provisions of this Act and the rules made thereunder shall, on conviction, be punished with fine which may extend to one thousand rupees.

25. Penalty for use of unstamped weights and measures.—Whoever uses in any transaction for trade or commerce, or has in possession for such use, any weight or measure or any weighing or measuring

instrument which has not been verified or re-verified or stamped in accordance with the provisions of this Act and the rules made thereunder shall, on conviction, be punished for a first offence with fine which may extend to one thousand rupees, and for every succeeding offence, with imprisonment for a period which may extend to three months and with fine.

Explanation 1.—When any such weight or measure or weighing or measuring instrument is found in the possession of any trader or any employee or agent of such trader, such trader, employee or agent shall be presumed, until the contrary is proved, to have had it in his possession for use in transactions for trade or commerce.

Explanation 2.—Where any weight or measure or weighing or measuring instrument is used or possessed in contravention of this section by any employee or agent of a trader on behalf of such a trader, such trader shall, unless he proves that the offence under this section was committed by his employee or agent without his knowledge or consent, be also deemed to be guilty of such offence.

26. Penalty for manufacture of weights, etc., without licence.—If any person manufactures, repairs, or sells any weight or measure or weighing or measuring instrument, without obtaining a licence as required by section 13, shall, on conviction, be punished with imprisonment for a period which may extend to three months, or with fine, or with both.

27. Penalty for use of weight or measure in contravention of section 8.—Whoever contravenes any of the provisions of a notification issued under section 8 shall, on conviction, be punished with fine which may extend to one thousand rupees.

28. Penalty for failure to mark weight or measure on sealed containers.—Whoever contravenes the provisions of section 14 shall, on conviction, be punished with fine which may extend to one thousand rupees.

29. Penalty for fraudulent use of weights, measures, etc.—Whoever fraudulently uses any standard weight or measure or weighing or measuring instrument which he knows to be false, shall, on conviction, be punished with imprisonment for a period which may extend to one year, or with fine or with both.

30. Penalty for being in possession of false weight or measure, etc.—Whoever is in possession of any commercial weight or measure or weighing or measuring instrument which he knows to be false,

intending that the same may be fraudulently used, shall, on conviction be punished, with imprisonment for a period which may extend to one year, or with fine or with both.

31. Penalty for making or for selling false weight or measure, etc.—Whoever makes, sells or disposes of or causes to be made, sold or disposed of any standard weight or measure or weighing or measuring instrument which he knows to be false, in order that the same may be used as true, or knowing that the same is likely to be used as true, shall, on conviction, be punished with imprisonment for a period which may extend to one year, or with fine or with both.

32. Penalty for giving short weight or measure.—Whoever in selling any article by weight or measure, delivers or causes to be delivered to the purchaser less than what is purported to be sold shall, if the deficiency exceeds the prescribed limit of error, on conviction, be punished with fine which may extend to three hundred rupees.

33. Penalty for forging, etc., of weights, measures, etc.—(1) Whoever forges or counterfeits any stamp used under this Act for the stamping of any standard weight or measure or weighing or measuring instrument or possesses any such counterfeit stamp, or removes a stamp from any standard weight or measure or weighing or measuring instrument and inserts the same into another weight or measure or weighing or measuring instrument or wilfully increases or diminishes a weight or measure so stamped, shall, on conviction be punished with imprisonment for a period which may extend to one year, or with fine, or with both.

(2) Whoever knowingly uses, sells, utters, disposes of or exposes for sale any weight or measure or weighing or measuring instrument with such forged or counterfeit stamp thereon, or a weight or a measure so increased or diminished, shall, on conviction be punished with imprisonment for a period which may extend to six months or with fine, or with both.

34. Penalty for neglect or refusal to produce weight or measure, etc., for inspection.—Whoever—

(*a*) refuses or neglects to produce for inspection under section 17, any weight or measure or weighing or measuring instrument or any document or record relating thereto in his possession or on his premises, or

(*b*) refuses to permit an Inspector to inspect and verify any such weight, measure, instrument, document or record; or

(*c*) obstructs the entry of an Inspector under section 17, or

(*d*) otherwise obstructs or hinders an Inspector in the performance of his duties under this Act,

shall, on conviction, be punished with fine which may extend to five hundred rupees.

35. Penalty for breach of duty by inspector.—If an inspector knowingly stamps a weight or measure or weighing or measuring instrument in contravention of the provisions of this Act, or of th^ rules made thereunder, he shall, on conviction, be punished witl imprisonment for a period which mav extend to one year, or with fine or with both.

CHAPTER V.

MISCELLANEOUS.

36. Protection of persons acting in good faith.—No officer o servant of the State Government shall be liable in respect of any ac in any civil or criminal proceeding if the act was done in good faitt in the course of the execution of duties or the discharge of th functions imposed by or under the Act.

37. Cognizance of offences, etc.—(1) No court shall take cogni zance of an offence punishable under this Act except upon complaint in writing made by the Controller or any officer authorise in this behalf by the Controller by general or special order.

(2) No court inferior to that of a Magistrate of the First Clas shall try any offence punishable under this Act.

38. Stamped weights, etc., to be presumed to be correct.—A weigh or measure or weighing or measuring instrument duly stamped unde the provisions of this Act and the rules made thereunder shall b presumed to be correct until its inaccuracy is proved, if it i produced in any court by any Inspector having charge thereof or any person acting under the general or special authority of t Controlle

39. Offences by companies.—(1) If the person committing offence under this Act is a company, every person who, at the ti the offence was committed, was in-charge of, and was responsible the company for the conduct of the business of the company as w as the company, shall be deemed to be guilty of the offence and sh be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall ren any such person liable to punishment if he proves that the offer

was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation :—For the purposes of this section :—

(*a*) "company" means any body corporate and includes a firm or other association of individuals ; and

(*b*) "director", in relation to a firm, means a partner in the firm.

40. Delegation of powers.—The State Government may, by notification in the official Gazette, direct that any power exercisable by it under this Act or rules made thereunder shall, in relation to such matters and subject to such conditions, as may be specified in the direction be exercisable also by such officer or authority subordinate to the State Government as may be specified in the notification :

Provided that nothing contained in this section shall apply to any power of the State Government to make rules under this Act.

41. Limits of error to be tolerated in weights and measures.—Subject to any rules that may be made under the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956) in this behalf, the State Government may prescribe the limits of error which may be tolerated—

(*a*) in secondary standards referred to in section 4 ;

(*b*) in working standards referred to in section 3 ;

(*c*) in commercial weights and measures or in selling articles by weight or measure generally or as regards any trade or class of trades ; and

(*d*) weighing and measuring instruments.

42. Power to make rules.—(1) The State Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to generality of the oing power, such rules may provide for all or any of the following ers, namely:—

(*a*) the material of which and the designs and specifications according to which working standards may be made, the agency by which such standards may be prepared, the person by whom or the authority by which and manner in which such standards may be stamped and authenticated; the places at which and the custody and manner in which such standards may be kept;

(*b*) the procedure for the verification or re-verification and marking of working standards, the persons by whom, the places at which and the intervals at which, they may be marked;

(*c*) the material of which and the designs and specifications according to which secondary standards may be made, the places at which and the custody and manner in which such standards may be kept;

(*d*) the procedure for the verification or reverification and marking of secondary standards and the manner in which they may be marked;

(*e*) the number of weighing and measuring instruments to be kept, the manner in which they may be verified and stamped and necessary particulars regarding the same;

(*f*) the manner in which commercial weights and measures may be marked by manufacturers;

(*g*) the form and manner in which, and the conditions subject to which licence may be granted to persons for manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments;

(*h*) the qualifications, functions and duties generally of Inspectors under this Act;

(*i*) verification and stamping of weights and measures and weighing and measuring instruments and the period within which they are to be reverified;

(*j*) inspection of weights and measures and weighing and measuring instruments used in transactions for trade or commerce;

(*k*) the seizure, detention and disposal of weights and measures which are not authorised by this Act;

(*l*) the books, accounts and records relating to weights and measures and weighing and measuring instruments to be

maintained and the manner in which they may be maintained or produced;

(*m*) the limits of error which may be tolerated in secondary or working standards;

(*n*) the limits of error which may be tolerated in weights and measures and weighing and measuring instruments used or intended to be used in transactions for trade or commerce;

(*o*) the limits of error which may be tolerated in selling articles by weight or measure generally or as regards any trade or class of trades;

(*p*) the form and manner in which appeals may be preferred under section 20, and the procedure for hearing appeals;

(*q*) the fees which may be charged for the grant of licences under section 13 and for verification, re-verification, adjustment and stamping of weights and measures and weighing and measuring instruments and the collection and levy of the same;

(*r*) any other matter which has to be, or may be, prescribed.

(3) In making any rule under this section, the State Govern- may provide that a breach thereof shall be punishable with fine ich may extend to five hundred rupees.

(4) The power to make rules under this section shall be ibject to the condition of previous publication in the official azette.

43. Rules and orders to be laid before the State Legislature.— very notification issued under section 8 or section 12 and every ile made under section 42 shall as soon as may be after it is issued, laid before each House of the State Legislature while it is in ssion for a total period of thirty days which may be comprised in ie session or in two or more sessions and if before the expiry of the id period, either House of the State Legislature makes any odification in the notification or rule, or directs that the notifica- on or rule shall not have effect and if the modification or direction agreed to by the other House, the notification or rule shall ereafter have effect only in such modified form or be of no effect, as e case may be.

44. Repeal and savings.—(1) On the coming into force of this ct, 1958 or any part thereof in any area or areas—

the Bombay Weights and Measures Act, 1932 (Bombay Act XV 1932), as in force in the Bombay Area; the Coorg Weights and

Measures Act, 1954 (Coorg Act VII of 1954) as in force in the Coor District; the Hyderabad Weights and Measures Act, 1356 (Hyderabad Act XIV of 1356 Fasli) as in force in the Hyderaba Area; the Madras Weights and Measures Act, 194 Madras Act XXII of 1948) as in force in the Madras Area; th Madras Weights and Measures Act, 1948 (Madras Act XXII c 1948) as in force in the Bellary District; the Mysore Measures c Length Act, 1890 (Mysore Act III of 1890) and the Mysore Weight and Measures Act, 1902 (Mysore Act III of 1902) as in forc in the Mysore Area, shall, to the extent to which they contain an provision which corresponds to any provision of this Act, stan repealed in such area or areas:

Provided that such repeal shall not affect—

(a) the previous operation of the said enactments or anythin duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquire accrued or incurred under the said enactments; or

(c) any penalty, forfeiture or punishment incurred in respec of any offence committed against the said enactments or

(d) any investigation, legal proceeding or remedy in respec of any such right, privilege, obligation, liability forfeitur or punishment as aforesaid; and any such investigation legal proceeding or remedy may be instituted, continue or enforced, and any such penalty, forfeiture o punishment may be imposed as if this Act had not bee passed:

Provided further that all appointments made, notifications an notices issued, rules, bye-laws and orders made, contracts entered int under any repealed enactments shall, so far as they are not incon sistent with the provisions of this Act and the Rules, continue i force and be deemed to have been made, issued and entered int under this Act

(2) If, immediately before the commencement of this Act or an provision thereof in respect of any area or class of goods or under takings, there is in force in respect of that area or class of goods o undertakings, any law which corresponds to this Act or to an provision thereof and which is not repealed by sub-section (1) tha corresponding law shall stand repealed.

Statement of Objects and Reasons.

The Central Government have decided to introduce the metric system of weights and measures throughout the country. The Standards of Weights and Measures Act, 1956, prescribing metric standards has also been passed by the Parliament. The enforcement of these standards rests with the State Government. In the new Mysore State there are five different Weights and Measures Acts in different areas. The proposed Bill seeks to put an end to the diversity of weights and measures prevalent in different areas of the State and also to implement the decision of Parliament to introduce the metric system in the country.

The main features of the bill are:

(i) introduction of Metric Weights and Measures and integral multiples and sub-multiples thereof for use in the State;

(ii) testing and custody of reference, secondary and working standards;

(iii) verification and stamping of weights and measures, weighing and measuring instruments; and

(iv) appointment of Inspectors invested with certain jurisdiction, powers and duties, including power to seize false weight or measures, etc.

Financial Memorandum.

The financial implication in bringing out the new legislation of Weights and Measures involves as additional nun-recurring expenditure of Rs. 37 lakhs and a recurring expenditure of Rs. 5,45,255, The recurring expenditure includes the present expenditure of Rs. 3,49,259 on the existing staff. The extra cost involved on account of the implementation of the scheme will be Rs. 1,95,996 after the ensire staff asked for is sanctioned. The non-recurring expenditure is proposed to be phased over for a period of three years and the centre is sharing half of this expenditure. The proposed enactment is expected to yield an additional revenue of about Rs. 2 lakhs.

S. NIJALINGAPPA.

G. S. VENKATARAMANA IYER,
Secretary.

WD 1690—GPB—400+10—12-11-58

MYSORE LEGISLATURE

LEGISLATURE SECRETARIAT
VIDHANA SOUDHA
P. B. No. 74,

No. 11422/C.A
Enc 2

Bangalore-1, dated 6th Dec 1958.

FROM
THE SECRETARY,
MYSORE LEGISLATURE.

TO
The Secretary to Government,
Law Department,
Bangalore.

SIR,

I am directed to forward herewith for assent two copies of the "The Mysore Weights & Measures (Enforcement)Bill, 1958 as passed by both Houses of the Legislature and signed by the Chairman, Legislative Council.

Yours faithfully,

for Secretary,
Mysore Legislature.

2551
LAW

1. at 2.5 pm
No. 22686./Law
See. V
6-12-58
Bills in duplicate
8/12/58
Q.S.IV
S.C.N.
8/12/58

Copy of letter No. SMC-15(19)/58 dated 14th Aug.58 from Sri P.N. Nayar, Secretary, Standing Metric Committee, Ministry of Commerce and Industry, Govt. of India, New Delhi to Sri C.A. Jamakhandimath, Joint Registrar (Marketing), Bangalore.

Sub:- Mysore Weights and Measures (Enforcement) Bill, 1958 - Introduction in the State Legislature.

We have been advised that the President's permission under Article 304(b) of the Constitution is required for introducing the Bill in the State Legislature, since Section 13 imposes restrictions of the freedom of commerce and trade. I would suggest therefore, that the President's permission for the introduction of the Bill in the Legislature be applied for immediately.

2. If the Bill has been introduced already without the President's permission, I would suggest that after it is passed by the State Legislature, it may be sent for the President's assent.

"Copy"

(C.A. Jamakhandimath)
JOINT REGISTRAR (MARKETING).

DT

Copy of D.O.letter No1SMC-15(19)/58 dated 14th Aug.58 from Sri P.N.Nayar, Secretary, Standing Metri Committee, Ministry of Commerce and Industry, Government of India, New Delhi to Sri C.A. Jamakhandmath, Joint Registrar (Marketing), Bangalore.

Subject:- Mysore Weights and Measures (Enforcement) Bill, 1958 - Introduction in the State Legislature.

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"COPY"

SECRETARY TO THE GOVERNOR.

LAW 43 LGN 58

To

The Secretary to the Governor of Mysor

Mysore.

Sir,

Subject-Reservation of the Mysore Weights and Measures(Enfor-cement)Bill,1958, for the consideration of the Presi--dent.

I am directed to state that the file relating to the Mysore Weights and Measures (Enforcement)Bill,1958 (No. LAW 43 LGN 58) is sent herewith,as the Bill has to be reserved ~~to~~ for the consideration of the President.After the Bill has been reserved by the Governor,the enclosed draft letter addressed to the Secretary to Government of India, Ministry of Home Affairs along with the two parchment copies of the Bill and other enclosures may kindly be forwarded to the Govt. of India, for obtaining the assent of the President. The parchment copy of the Bill after receipt from the Government of India, may kindly be sent to Government after

No.LAW 43 LGN 58

To

The Secretary to the Government of India,
Ministry of Home Affairs,
New Delhi.

Subject:- Reservation of the Mysore Weights and Measures (Enforcement) Bill, 1958, for the consideration of the President.

Sir,

I am directed to invite a reference to the D.O. letter No.SMC 15(19)/58 dated the 14th August 1958 from the Secretary, Standing Metric Committee, Ministry of Commerce and Industry, Government of India, New Delhi, to the Joint Registrar (Marketing), Bangalore on the above subject (copy enclosed for ready reference) and to state that the Mysore Weights and Measures (Enforcement) Bill, 1958 was introduced in the Mysore Legislative Council during the April-May 1958 session and it has been passed by both Houses of the State Legislature during the November,December 1958 session.

Clause 13 of the Bill imposes reasonable restrictions on freedom of trade and commerce. As the previous sanction of the President was not obtained under the proviso to clause (b) of Article 304 of the Constitution of India before the Bill was introduced in the Mysore Legislative Council during the April-May 1958 session, the Bill has been reserved by the Governor for the consideration of the President.

Two copies of the Bill printed on parchment paper are accordingly forwarded for obtaining the assent of the President.

Five copies each of the following documents are herein enclosed:-

(1) The Bill as published in the Mysore Gazette with the Statement of Ojbects and Financial Memorandum.

(2) The Bill as passed by the Legislative Council and laid on the Table of the Legislative Assembly.

(3) The Bill as passed by the Legislative Assembly.

(4) The Bill as passed by both Houses of the State Legislature.

I am to request that the assent of the President to the Bill may kindly be obtained and communicated early, for enabling the Act being published in the Mysore Gazette before the end of the calender year.

Yours faithfully,

SECRETARY TO THE GOVERNOR.

The Secretary to the Govt. of India,
Ministry of Home Affairs,
New Delhi.

Subject- Reservation of the Mysore Weights and Measures (Enforcement) Bill, 1958, for the consideration of the President.

I am directed to invite a reference to the D.O. letter No. SMC 15(19)/58 dated the 14th August, 1958 from the Secy., Standing Metric Committee, Ministry of Commerce and Industry, Govt. of India, New Delhi, to the Joint Registrar (Marketing), Bangalore (copy enclosed for ready reference) on the above subject and to state that the Mysore Weights and Measures (Enforcement) Bill, 1958 was introduced in the Mysore Legislative Council during the April-May. 1958 session and it ~~xxxxxxxxxx~~ has been passed by both Houses of the State Legislature ~~xxxxxxxxxxxxxxxxxxxxxxxxxx~~ during the November-December, 1958 session.

Clause 13 of the Bill imposes reasonable restrictions on the freedom of ~~xxx~~ trade and commerce. As the previous sanction of the President ~~could~~ was not ~~be~~ obtained under ~~Axxxxx~~ the Proviso to clause(b) of Article 304 of the Constitution of India before the Bill was introduced in the Mysore Legislative Council during the April- May, 1958 session, the Bill has been reserved by the Governor for the

consideration of the President. ~~in accordance with the instructions of the Secretary, Standing Metric Committee in his letter dated the 14th August, 1958 referred to above.~~

Two copies of the Bill printed on parchment paper are accordingly forwarded for obtaining the assent of the President.

Five copies each of the following documents are herein enclosed:-

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(2) The Bill as passed by the Legisla--tive Council and laid on the Table of the Legislative Assembly.

(3) The Bill as passed by the Legislativ Assembly.

(4) The Bill as passed by both Houses of the State Legislature.

I am to request that the assent of the President to the Bill may kindly be obtained and communicated early, for enabling the Act being published in the Mysore Gazette before the end of the calender year.

Yours faithfully,

Secretary to the Governor

No.A4/34-6(7)/58-59

December 18, 1958.

From the Secretary to the Governor of Mysore

to the Secretary to the Government of India,
Ministry of Home Affairs,
New Delhi.

Sir,

Subject: The Mysore Weights and Measures (Enforcement) Bill, 1958.

I am directed to invite a reference to the D.O. letter No.CMC 15 (19)/58 dated the 14th August 1958 from the Secretary, Standing Metric Committee, Ministry of Commerce and Industry, Government of India, New Delhi, to the Joint Registrar, (Marketing), Bangalore the above subject (copy enclosed for ready reference) and to state that the Mysore Weights and Measures (Enforcement) Bill, 1958 was introduced in the Mysore Legislative Council during the April-May 1958 session and it has been passed by both Houses of the State Legislature during the October-November 1958 session.

Clause 13 of the Bill imposes reasonable restrictions on freedom of trade and commerce. As the previous sanction of the President s not obtained under the proviso to clause (b) of Article 304 of the Constitution of India before the Bill was introduced in the Mysore Legislative Council during the April-May 1958 session, the Bill has been reserved by the Governor for the consideration of the President.

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(2) The Bill as passed by the Legislative Council and laid on the Table of the Legislative Assembly.

(3) The Bill as passed by the Legislative Assembly.

(4) The Bill as passed by both Houses of the State Legislature.

I am to request that the assent of the President to the Bill may kindly be obtained and communicated early, for enabling the Act being published in the Mysore Gazette before the end of the calendar year.

Yours faithfully,

(SD)

(K. Narayanaswamy)
Secretary to the Governor of Mysore.

Copy forwarded to the Secretary to the Government of Mysore, Law Department, Bangalore, for favour of information.

Secretary to Governor, Mysore.

STATE

EXPRESS TELEGRAM

HOME
NEW DELHI

REFERENCE LETTER NO.A4-34-6(7)-58-59 DECEMBER EIGHTEENTH FROM SECRETARY TO GOVERNOR OF MYSORE REGARDING MYSORE WEIGHTS AND MEASURES (ENFORCEMENT) BILL 1958 STOP ASSENT OF PRESIDENT MAY KINDLY BE OBTAINED URGENTLY AND COMMUNICATED BY TELEGRAM TO ENABLE PUBLICATION OF ACT IN MYSORE GAZETTE BEFORE END OF THIS YEAR.

LAW SECRETARY

Not to be telegraphed

Sd. M.A.Srikrishna

Bangalore,
Dated 26th Decr. 1958.

Additional Deputy Secretary to
Government, Law Department.

Memo No. LAW 43LGN58 Dated 26th December 1958.

Copy by post in confirmation to the Secretary to the Government of India, Ministry of Home Affairs, New Delhi.

M.A. Srikrishna
(M.A.Srikrishna)
Additional Deputy Secretary to
Government, Law Department.

STATE

EXPRESS TELEGRAM

HOME
NEW DELHI

REFERENCE LETTER NO.A4-34-6(7)-58-59 DECEMBER EIGHTEENTH FROM SECRETARY TO GOVERNOR OF MYSORE REGARDING MYSORE WEIGHTS AND MEASURES (ENFORCEMENT) BILL 1958 STOP ASSENT OF PRESIDENT MAY KINDLY BE OBTAINED URGENTLY AND COMMUNICATED BY TELEGRAM TO ENABLE PUBLICATION OF ACT IN MYSORE GAZETTE BEFORE END OF THIS YEAR.

LAW SECRETARY

Not to be telegraphed

Sd. M.A.Srikrishna

Bangalore,
Dated 26th Decr. 1958.

Additional Deputy Secretary to Government, Law Department.

Memo No. LAW Dated December 1958.

Copy by post in confirmation to the Secretary to the Government of India, Ministry of Home Affairs, New Delhi.

M.A. Srikrishna
(M.A.Srikrishna)
Additional Deputy Secretary to Government, Law Department.

Issued
26/12/58

All Communications should be addressed to the Secretary to the Government of India, Ministry of Home Affairs, by title, NOT by name.

Telegrams : "Home".

17/59
Law

DATE

No. 11/303/58-Judl.I

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

From

Shri K.R. Prabhu,
Deputy Secretary to the Govt. of India.

To

The Secretary to the Government of Mysore,
Law Department,
Bangalore.

New Delhi-1, the 28th December, 1958
7th Pausa, 1880.

Subject:- The Mysore Weights and Massures (Enforcement) Bill, 1958.

Sir,

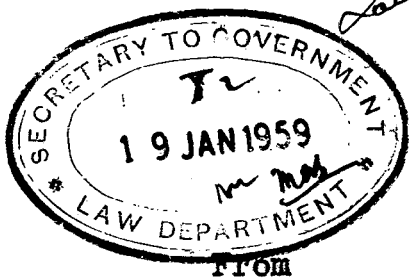
I am directed to refer to your telegram dated the 26th December, 1958, on the subject noted above, and to state that the matter is under consideration of the Government of India in consultation with the Ministries concerned. A telegraphic reply will be sent as soon as the Bill is assented to by the President.

Yours faithfully,

K.R. Prabhu

(K.R. Prabhu)
Deputy Secretary to the Government of India.

OP PRIORITY



No.A4/34-6(7)/58-59

GOVERNOR'S SECRETARIAT,
MYSORE.

January 18, 1959.

From

The Secretary to the Governor
of Mysore, Mysore.

To

The Secretary to Government of
Mysore, Law Department,
Bangalore.

Sir,

Sub:Reservation of The Mysore Weights and Measures(Enforcement) Bill 1958, for the consideration of the President.

With reference to your letter No. LAW 43 LGN 58 dated 13th December 1958, on the subject noted above, I write to give below the text of a telegram No.17/303/58 JUDL. I dated 17-1-59, received from the Ministry of Home Affairs, New Delhi:-

"YOUR LETTER NO.A-4/34-6(7)58-59 DATED DECR 18TH (.) PRESIDENT ASSENTED TO MYSORE WIEGHTS AND MEASURES (ENFORCEMENT) BILL 1958 ON 14TH JANUARY 1959 (.) LETTER FOLLOWS" Home -

Yours faithfully,

(C. Ramaswamy)
For Secretary to Governor.

Letter No. A4/34-6/58-59 dated 20th January, 1959 from the Secretary to the Governor of Mysore, Mysore to the Secretary to the Government of Mysore, Law Department, Bangalore.

Subject: (i) The Mysore (Personal) and Miscellaneous Abolition (Amendment) Bill, 1958.

(ii) The Mysore Weights and Measures (Enforcement) Bill, 1958.

- - -

I return herewith the authentic copies of the two bills noted above with the President's assent signified thereon received from the Ministry of Home Affairs, Government of India, with their letters No. 17/304/58-Judl.I., and No. 17/303/58.Judl.I., dated the 16th January, 1959.

Kindly acknowledge the receipt of the two bills.

Sd/.K. Narayanaswamy,
Sec. tothe Governor of Mysore.

- - -

"C O P Y".

Letter No. A4/34-6/58-59 dated 20th January, 1959 from the Secretary to the Governor of Mysore, Mysore to the Secretary to the Government of Mysore, Law Department, Bangalore.

- - -

Subject:- The Mysore (Personal) and Miscellaneous Abolition (Amendment)Bill, 1958.

The Mysore Weights and Measures (Enforcement)Bill, 1958.

- - -

I return herewith the authentic copies of the two bills noted above with the President's assent signified thereon received from the Ministry of Home Affairs, Government of India, with their letters No. 17/304/58-Judl.I., and No. 17/303/58.Judl.I., dated the 16th January. 1959.

Kindly acknowledge the receipt of the two bills.

Sd/.K. Narayanaswamy,
Sec. tothe Governor of Mysore.

- - -

"C O P Y".

21/1/59

LAW43LGN58

24th Janr.,

Law Department.

The Secretary,
Mysore Legislature,
Bangalore.

Sir,

I am directed to state that the Mysore Weights and Measures (Enforcement) Act, 1958 received the assent of the President on the 14th January, 1959 and that it has been published in Part IV section 2-B of the Mysore Gazette dated the 22nd January, 1959 as Mysore Act No. 2 of 1959.

Yours faithfully,

(M.L. Ramaswami)
Under Secretary to Government
Law Department.

From

The Secretary

Mysore Legislature

No. 494/LA. dated 29th April 19

Forwards three copies;

the Mysore Weights and Measures (Amen

Bill 1953 as passed by both Houses

of the Legislature and signed by the

Speaker, Legislative Assembly and

the Chairman, Legislative Council.

Clause 6 of the Bill substit

new sections 3-38 for sections 3-6

the principal Act. provisions contain

in the new section 7 is repugnant

to Indian Contract Act, 1872 which

a central Act on a matter includ

in the concurrent list. New section

24 and 36 impose the burden of

proof on the accused person whic

is repugnant to the provisions of t

Indian Evidence Act, 1872 which i

also a central Act, the subject ma

of which falls in the concurrent lis

Consequently under clause (2) of Arti

254 of the Constitution of India the

Bill has to be reserved for the

consideration of the president.

2) As required by ~~under~~ Rule 49 (b) of the

e Mysore Weights and
Amendment) Bill 1955
Draft Final note

File No. 216/10 of 195 1042

Mysore Government Secretariat

Seria

Mysore Government Business Rules, the file may be submitted to the Secretary to Govt Revenue Department who is the administrative Secretary in respect of this Bill and Law Secretary for their opinion

3) A draft final note is also put up for consideration

30/4. 4) The Addl Secy may be also be consulted

30/4/55

Law Secy) Mas 30/4/55.

) Forwarded of Remarks

Additional Secretary) 25/5

25/5/55

) no remarks.

Law Secy) 2/5

Bill may be Reserved for consideration of the President.

Minister for Home through Revenue Secretary) 25/5

8) 7/5/55

10) 9)

Three Authenticated Parchment copies are also placed in the file.

30/4/55

LAW DEPARTMENT 1101 2 1955

SECRETARY TO GOVERNMENT 1126 2 1955 LAW DEPARTMENT

SECRETARY TO GOVERNMENT No. 1441 4 MAY 1955 REVENUE DEPARTMENT

SECRETARY TO GOVERNMENT 1372 9 1955 LAW DEPARTMENT

THE MINISTER FOR HOME 9/5/55 No. 1177

Final Note by the Home Minister.

Subject.— Reservation of the Mysore Weights and Measures (Amendment) Bill, 1955, was passed by the Legislative Council on the 19th October 1954 and by the Legislative Assembly on the 5th April 1955.

12)

The Mysore Weights and Measures (Amendment) Bill, 1955, was passed by the Legislative Council on the 19th October 1954 and by the Legislative Assembly on the 5th April 1955.

Copies of the Bill in triplicate as passed by both Houses of the Legislature and signed by the Speaker, Legislative Assembly and the Chairman, Legislative Council, are placed below for gracious perusal.

Under Rule 49 of the Mysore Government Business Rules, the Secretary to Government, Revenue Department, who is the administrative Secretary in respect of this bill and the Law Secretary to Government have expressed the view that the Bill may be reserved for the consideration of the President.

Clause 6 of the Bill substitutes new sections 3 to 38 for sections 3 to 6 of the principal Act. The new section 7 lays down that notwithstanding anything contained in any law for the time being in force, all dealings or contracts, had or made for any work to be done or goods to be sold or delivered by weight or measure shall be deemed to be had or made according to one of the recognised weights or measures or to multiplies or sub-multiples thereof and that any dealing or contract had or made in contravention of the aforesaid provisions shall be void. This provision is repugnant to Indian Contract Act, 1872, which is a Central Act on a matter included in the concurrent list. New sections 24 and 36 impose the burden of proof on the accused person which is repugnant to provisions of the Indian Evidence Act, 1872 which is also a Central Act, the subject matter of which falls in the Concurrent List. Consequently under clause (2) of Article 254 of the Constitution of India the Bill has to be reserved for the consideratio

Final Note by the Home Minister.

Subject.—

of the President.

I solicit that His Highness the Rajpramukh may graciously be pleased to reserve the Bill for the consideration of the President by affixing his signature at the appropriate place in all the three copies of the Bill with the date.

H. R. Doddamani
Minister for Home
and Industries.

Submitted to His Highness.

(3) I enclose the Final Note by the Home Minister and solicit that His Highness the Rajpramukh may graciously be pleased to reserve the Mysore Weights and Measures (Amendment) Bill, 1955, for the consideration of the President by affixing his signature at the appropriate place in all the three copies of the Bill with date.

Camp: Mysore,)
19th May 1955.)

K. Hanumanthaiya
CHIEF MINISTER.

Record of Cases submitted for the Orders of

His Highness the Maharaja.

(4) ***Subject.***

Reservation of the Mysore Weights and Measures (Amendment) Bill, 1955.

No 1074
19.5.55

(6) 26.5.55

No: 1064.

719

(7) 18/5/1955

Ch Secy)

Law Secy.) 19/XII

Legis

30/5/55

20) 30/5/55

(3) ***Order.***

22/5/55

MYSORE GOVT. SECR. TAB
30 MAY 1955
Sri K.N.G.
30/5/55

Reservation of the Mysore Weights and Measures (Amendment) Bill 1955.
for consideration of the President

Mysore Government Secretariat | 11 | ~~(Draft final note)~~ File No. 216 of 195 | [App. F. III 2

Serial No.

Law

21) Three copies are passed by the L.C. & kept in the file.

Draft I letter to the Secy to Rajpramukh, enclosing

Draft II) Draft letter to the Ministry of Home Affairs is put up for appl

Secy 30/5/55

22) In view of the recent letter of the G.O.I. in the matter of sending the number of copies for the signature of the President, it is for orders as to whether we should send two or three copies now. Drafts put up are for approval.

2 JUN 1955 REVENUE DEPARTMENT

SECRETARY TO GOVERNMENT LAW DEPARTMENT 1 1955

Sri K.N.G.

31/5/55

MYSORE GOVT. SECRETARIAT 31 MAY 1955

31/5/55

21) Since the Govt of India have stated that only two copies may be sent for recording the declaration of assent of the President, (the relevant file has been sent to the Secretary, Mysore Legislature) we cannot send more than two copies. Please put up typed drafts for approval.

Mas 31/5/55.

Sub 22

Typed drafts are submitted.

23) May be approved in consultation with the Addl. Secy and Revenue Secretary.

Secy 31/5/55

Mas 31/5/55.

Law Secy

Parchment copies are retained in the Br.

NOTE.—Cost sheet

24) 26) Addl Secy & Revenue Secy

Reservation of the Mys. Weights & Measures (Amendment) Bill 1955.

File No. 216 of 195 1042 Mysore Government Secretariat

L.D. 5

Serial

May kindly be referred to Legislative Br

Asst (Legis) 3/6

28) May be submitted Minister for Industries for approval

Mas 3/6/55

Law Secy

29) Minister for Industries

3/6/55

Mas 4/6/55

30) Here 10/6

10/6/55

Issue

Mas 11/6/55

Sd N. N. K

Secretary to Govt

L.D. 253/Legis. 24-5-55-2

Enclosures

1/55

in of Governor 2 copies

& paper copies of the Bill etc

3/6/55

MYSORE GOVT. SECRETARIAT LEGISLATIVE DEPARTMENT

3 JUN 1955

S. K. N.

3/6/55

SECRETARY TO GOVERNMENT LAW DEPARTMENT

3 JUN 1955

MYSORE GOVT. SECRETARIAT LEGISLATIVE DEPARTMENT

13 JUN 1955

13/6/55

File No. 48/20 of 195

From
The Secretary to H.H. the
Rajpramukh of Mysore

No. P.H. 10/5-56 dated June 14, 1956.
Forwards a copy of the letter no. P.H. 10/5-56 dated June 14 1956 addressed to the Secretary to the Govt of India, Ministry of Home Affairs referring the Mysore Weights and Measures (Amendment) Bill, 1956 for the consideration of the president.

32) Debates of the legislative council and the Legislative Assembly containing discussion on the said Bill have not been sent since they ~~were not sent~~ have not been received from the Office of the Secretary Mysore Legislature.

Draft and fair of letter to the Secretary Mysore Legislature are put up for approval & signature

Yes
1.

33) Issue

The Mysore Weights and Measures (Amendment) Bill 1955. Debates of the Houses on the Bill.

File No. 216/LD J 483/LD of 19

To

The Secretary Mysore Legislature
Bangalore

No. LD 281 Dated 20-6-1955.
Calls for the copies of the Debates of Houses of State Legislature.

The Under Secretary to the Govt of India
Ministry of Home Affairs
New Delhi

Jud B Bill
10-7-1955

MYSORE GOVT. SECRETARIAT
24 JUN 1955
LEGISLATIVE
24/6/55

No. 16/87/55-Judl 1 Dated the 23 June 1955.

Acknowledges the receipt of letter no P.H. 10/5-55 dated the 14th June 1955 sent from the Secretary to the Rajpramukh of Mysore.

34) This letter is addressed to the Secretary to the Rajpramukh of Mysore. It is submitted for orders whether a copy of this letter may be sent to the Secretary to the Rajpramukh of Mysore for reference in that office.

Sri M.S

MYSORE GOVT. SECRETARIAT
1/7/55
1 JUL 1955
LEGISLATIVE

35) The original letter may be sent and a copy retained

Mas
1/7/55.

30/6.
30/6/55

WD.07074—GPB—80,000—5-10-54

The Mysore Weights and Measures (Amendment) Bill, 1955. 10

Mysore Government Secretariat | File No. 216/LD 17 / 483/LD of 195 . [App. F. III 2

Serial No.

36) A draft letter put up for approval. ~~Copy of the letter~~

MG 1/7/55

JSR 1/7/55

37) Issue.

MG 1/7/55

To

The Secretary to the Rajpramukh of Mysore

Mysore

No. LD 493 dated 6th July 1955 forwards the letter in original (No 16/87) /55 dated 23rd June 1953.

38) 7 copies of debates of the Mysore Legislative Council and the Legislative Assembly containing discussion on the Mysore Weights and Measures (Amendment) Bill, 1955 have been received from the Secretary Mysore Legislature. 6 copies of the said debates will have to be sent to the Secretary to the Govt of India Ministry of Home Affairs.

39) A draft letter forwarding the debates put up for approval.

MG 20/7/55

JSR 1/7/55

The Mysore Weights and Measures (Amendment) Bill 1955 for the consideration of the president

File No. of 195

Mysore Government Secretariat

Serial No.

To

The Secretary to the Govt of India
Ministry of Home Affairs
New Del

No. C.D. 56 dated 22nd July 1955
forwards the 6 copies of the Debates of the LC and LA on the Bill Contain the discussion

To

The Secretary to H.H. the Rajpramukh of Mysore
forwards a copy of the above letter

From

The Secretary to H.H. the Rajpramukh of Mysore
Mg

No P.H. 10/55-56 dated 30th July 19

forwards a copy of letter No 16/87/55 dated the 27th July 1955 received from the Deputy Secretary to the Govt of India, Ministry of Home Affairs, Govt of India relating to the Mysore Weights and Measures (Amendment

Reservation of the Mysore Weights and Measures (Amendment) Bill 1955, for the consideration of the President.

Mysore Government Secretariat

[App. F. III 2

File No. 216/LD 483/LD 799/LD of 195 17

Serial No.

41) The Deputy Secretary to the Govt of India Ministry of Home Affairs ~~[illegible]~~ states that the State Government are not competent to enact any legislation establishing standards of length and capacity as the establishment of standards of weights and measures is within the legislative competence of only the Government of India. The Government of India having decided to introduce the Metric System of weights and measures in India will be undertaking necessary legislation as early as possible. It will, therefore, result in great inconvenience to the local population, if the State Government introduce new weights and measures on the basis of the present Bill. The Government of India therefore, propose to hold up consideration of the Bill till the new legislation relating to Metric System is passed by parliament.

3/8/55

3/8/55

42) May be submitted to the Minister for Industries through the Revenue Secretary.

Law Secy) 5/8/55.

The Mysore Weights and Measures (Amendment)

Reserved for the Consideration of the President

File No. 199/LD of 195 55-56

Mysore Government Secretariat

For Perusal

Serial No.

Min for [illegible]

Min for [illegible]

Thro Rev Secy

SECRETARY TO GOVERNMENT No. 2252 6 AUG 1955 REVENUE D

SECRETARY TO GOVERNMENT Sn 6 AUG 1955 LAW DEPARTMENT

Min

6/8/55

see with the Law Secretary of the Govt of India may be addressed to obtain the assent of the President to the Bill ~~facilitate~~ to facilitate administration of the Weights and Measures Act when the Metric system is introduced the State may fall in line. Hull

14/10/55

OFFICE OF THE MINISTER FOR INDUSTRIES No. 973 8 AUG 1955

47) Ref 14/10

14/10

A draft letter to the Secretary to the Government of India Ministry of Home Affairs New Delhi is put up for approval.

15/10/55

MYSORE GOVT. SECRETARIAT 15 OCT 1955 LEGISLATIVE DEPART

17/10

17/10/55

49) I believe the Govt of India have sent a reminder. Pleas put up those papers also.

07074—GFP—80,000—5-10-54

19

Mysore Government Secretariat

The Mysore Hoeghats & Measures (Amendment) Bill, 1955 — obtaining the presi

File No. 799/R.D. of

Serial No.

50) The file containing the reminder was received from the Minister for Industries on 21-10-55 and the said file is also put up

Mas 24/10.

JSR 24/10/55

51) A typed draft as revised may be put up.

Mas 25/10/55.

52) A typed draft is put up consideration.

Mas 26/10/55.

53) Mas 26/10/55.

54) For perusal before issue.

JSR 26/10/55

Law Secy)

~~Secy A&T~~ Rev Secy

54

Mas 2/11/55.

Law Secy)

3/11

4/11.

55) Issue.

Mas 6/11/55

SECRETARY TO GOVERNMENT LAW DEPARTMENT 9076 1955

SECRETARY TO GOVERNMENT 1389 8 NOV 1955

SECRETARY TO GOVERNMENT 9475 4 NOV 1955 LAW DEPARTMENT

To

The Deputy Secretary to the Govt of India

Ministry of Home Affairs

New Delhi

L.D 1324 Dated 7th November 1955.

Requests to obtain the assent of president to the Bill on the ~~Act~~

The Mysore Weights and Measures (Amendment) Bill, 1955 — Reserved for the consideration of the President.

File No. 799/L0 of 195 dated 24-55

Mysore Governmen Secretariat

Serial No

Circumstances explained in the letter

Sri C.N.N

32

8 NOV 1951

Mysore Government Secretariat

Re: The Mysore weights and measures (Amendment) Bill, 1955.

File No. 7/ of 195

[App. F. III 2

2184/L.D.

Serial No.

'W' (linked file Legs 24-55

'X' (linked file)

Submitted

5) Kind reference is invited to the letter dated 27/7/55 received from the Govt of India, stating in the circumstances mentioned therein, that they propose to hold up consideration of the Bill till the new legislation relating to the metric system is passed by parliament.

6) Subsequently, the Govt of India have been requested again in this office letter dated 7/11/55 to move the president to declare his assent to this Bill. No reply has been received from the Govt of India so far.

7) In another connection, a draft of the standards of weights and measures Bill, 1956, has been received from the Secy., Standing metric Committee, New Delhi and the file relating to it, has been ~~sent~~ ~~to be~~ submitted separately for orders re sending the same to the Administrative Sectt., for furnishing their remarks thereon.

8) ~~If approved, these papers will be returned to the S.R. branch with the above information~~. It is for orders whether Govt of India may be addressed again in the matter.

9) Please put up a draft as ordered

3/2/56. 3/2/56

Re: The Mysore Weights and Measures (Amendment) Bill, 1955

File No. ~~2184~~ 799 of 195

Mysore Government Secretariat

Serial No.

ordered by the Minister for Industries

Mas
4/2

Submitted with a draft of a letter to the Govt of India for consideration

Sri C.N.N
4 FEB 1956

C
4/2

11) May be approved in consultation with the Revenue Secretary

Mas
6/2

(Law Secy)

12) (Revenue Secretary) ok
21/2/56

Mas
22/2/56

1956
22 FEB 1956
REVENUE DEPARTMENT

23/2/56

3) Issue.

Mas
23/2/56

TO GOVERNMENT
4124
23 FEB 1956
LAW DEPARTMENT

24/2/56

to the Sy. Secy. to Govt. of India, requesting in the circumstances mentioned therein that the president may be moved to declare his assent to the Bill.

Sri C.N.N
24 FEB 1956
24/2/56

14) Submitted for orders whether it is necessary that the Govt of India may be reminded again.

~~Sri B Tilk~~
~~30/3/5~~

15) Please put up a reminder

Mas
31/3/56

C
27/3/56

Sri C.N.N
31 MAR 1956
LEGISLATIVE
31/3

23

Mysore Government Secretariat

The Mysore weights and measures (Amendment) Bill, 1955.

File No. 799/L.D. of 195 /89 of 56-57.

[App. F. III 2

Serial No.

16) A draft of a reminder is put up for Consideration.

Cy
2/4/56.
2/4/56

Law Secy) Mas 2/4/56.
17) 2/4/56

18) Issue
Ms
2/4/56

- 2 APR 1956
DEPARTMENT
SECRETARY

2/4/56

Letter No. L.D. 30 dated 4/4/56 to the Dy. Secy. to Govt. of India ministry of Home Affairs.

Letter No. 16/87/55-Judl. I. dated 11/4/56 from the under secy. to the Govt. of India, ministry of Home Affairs stating that the matter is still under consideration of the Govt. of India.

19) Submitted for kind perusal.

20) Receipt of a further Communication from the Govt. of India may perhaps be awaited.

16/4/56.
16/4/56

21) The Revenue Secy. may also peruse the reply.

Law Secy) Mas 16/4/56

Revenue Secretary) 22) 17/4/56
Mas 17/4/56

Law Secy) 23) 18/4
18/4/56 Mas 18/4/56

'V7

OFFICE OF THE MINISTER FOR HOME

OFFICE NOTE

337
LD

29th May, 1956.

24) The file relating to the 'Weights and Measures Bill' may kindly be sent for perusal of the Minister for Home and Industries.

K. [illegible] 29/5
Personal Assistant to the Minister for Home & Industries.

Assistant Secre
Legislation

25) As instructed by the Asst Secy, the file is submitted herewith for perusal before being sent to the Home Minister
29/5/56

Mas 29/5/56
Law Secy)

Home Minister) 29/5

Mas 29/5/56.

Pl speak.

6/6/56

Law Sec. 1

OFFICE OF THE MINISTER FOR HOME & INDUSTRIES
No. 1880
29 MAY 1956
BANGALORE.

27

sore Government Secretariat

The Mysore Weights and Measures Amendment Bill

File No. 21 of 195 . 8911 A1 337

Serial No.

29) As directed draft Reminder as per ... Consideration.

8/6.

JSR 8/6/56

Law Secy) mas 8/6/56.

31) Amendment issued 8/6.

To The Deputy Secretary to the G.o.I
Ministry of Home Affairs
New Delhi

No L.D. 222 dated 8th June 1956

Invites reference to correspondence ending with their letter dated 11th April 1956 and requests that the G.o.I may kindly move the President to declare his assent to the Mysore Weights & Measures (Amendment) Bill, 195.

32) Resubmitted as directed above

JSR 8/6/56

33) mas

33) Discuss with the new Secy. A draft D.O to Secy G.o.I's concerned Ministry may be put up.

Hrs 16/6/56

16/6.

34) A draft d.o. is put up for consideration

36) Approved 20/6.

Law Secy) mas 20/6/56

Min for Ins

SECRETARIAT GOVERNMENT OF INDIA LAW DEPARTMENT 20 JUN 1956

THE MINISTER FOR INDUSTRIES No. 1108 22 JUN 1956 OFFICE

Note—Contn. Sheet

The Mysore Weights and Measures (Amendment) Bill 1958 — Reserved for the Consideration of the President.

37/L.D of 195

Mysore Government Secretariat

Serial No.

Issued D.O. No. 144/56-57-4 dated 27/29-6-56

Sri B. N. Datar,

Union Minister for Home Affairs

Government of India, New Delhi.

37) Supdt. Legis. 29/6

Sri M.S. 30/6/56

29 JUN 1956

LEGISLATIVE DEPARTMENT

Sri R. 14/9/56

14 SEP 1956

14/9/56

From:

The Deputy Secretary to the Govt of India

Ministry of Home Affairs, New Delhi

Letter No. 16/87/56-Judl.1 dated the 26th Sept, 1956, stating in the circumstances mentioned therein that it is not possible to ~~obtain the~~ recommend assent to the bill and the bill does not serve the purpose in the present circumstances.

38) Submitted for orders in the matter.

4/9/56

In the P.U.D. the Deputy Secretary to the Govt of India has indicated the reasons as to why it is not possible to recommend assent to the bill as it stands and has ~~sought~~ stated that there are two courses open viz. (1) to withhold assent from the

Serial No.

29

the bill and (2) to return the bill with a directive from the President - for reconsideration of the provisions relating to length and capacity. In view of the circumstances indicated in the last para of the P.V.D it has been ~~stated that the~~ considered that ~~he has stated that~~ the assent of the bill may be withheld by them and the Govt. of India has sought a reply for agreeing with their view.

JSR
1/10/50

39) The view expressed in para 1 of the letter of the Govt. of India that the provisions relating to length and capacity is ultra vires the powers of the State Legislature is not appear to be legally sustainable. Bill does not seek to lay down standards of length and capacity. By clauses (b) and (c) of the new section 3 certain measures of capacity and measures of length are declared to be recognised measures, and in the case of measures of length it may be noticed that the first item in Part III of the First Schedule refers to the standards prescribed by the laws now in force. The provisions of section 3 are also on the same lines as section 3 of the Madras Weights and Measures Act, 1948 (Madras Act XXII of 1948). ~~As long~~ The Govt. of India man

Mysore Weights & Measures (Amendment) Bill, 1955 reserved for the consideration of the President.

File No. 337 (21) of 195 . 5985 SR

Mysore Government Secretariat

Serial No.

may therefore be informed that the provisions of the Bill are in the opinion of the State Govt. intra vires the legislative powers of the State Legislature.

40) As regards the question discussed in para 2 of the letter from the Govt. of India, this is a matter to be decided by the Administrative Sectt.

Mas 1/10/56
Spl. Law Secy

41) Mas
Asst. Secy
Spl. Rev. Mas 4/10/56

SPECIAL LAW SECRETARY No. 106 4 OCT 1956 GOVERNMENT OF MYSORE

XXX
Mo
Linv
6/10

2) The Govt of India in their letter ~~dated~~ vide para 2 of flag 'A' have stated that the Indian Standards of weights and Measures Bill 1956 introducing standards on the Metric System, is going to be enacted soon. According ly the assent of the President is accorded to the Mysore Weights and Measures (Amendment) Bill 1955. No practical purpose would be served. In the circumstances it is for orders whether the chief marketing offi

(31) The Mysore Weights and Measures (Amendment) Bill 195- [App. F. III 2

Mysore Government Secretariat

File No. 12 of 195

Serial No.

may be informed accordingly and the file closed

44) 18/10. 43) In view of the circumstances explained in the Govt of India reply of 26-9-56, it is for orders whether Govt of India may be requested that this Govt ~~consider that no further action is necessary. and that the draft amendment~~ agree with the G.O.I that the 12/10 assent to the Bill may be withheld

20/10

(44) A draft letter to the Govt of India is put up

44) 20/10 45) For perusal before the Revenue 22/10 on 22/10

46) The G.O.I. may be informed as in para 39 and also that in view of the facts pointed out in para 2 of their letter, the bill may be allowed to lapse

G.D. Khan 24/10

Minister RA
K CH Minister

47) 24/10

48) 31/10

49) This has to lapse. But a bill will have to be brought in the next session. Govt may issue letter orders to be issued instead

50) 7/11

51) 7/11

53) 30/11

54) 1/12

OFFICE OF THE MINISTER FOR REVENUE & AGRICULTURE
No. 2157
25 OCT 1956

Office of the Chief Minister
No. 77

Shri S. Narayanswamy,
Dy. Secy. to G of I,
Ministry of Home Affairs,
New Delhi

G.L. No A & F 96-47/Coop-Dr. 3/121

States that further action
claim the consent of the President to the
Bill may be withheld.

Copy to CMO, Bangalore.

Agriculture & Forest Department
(Cooperation Branch)

56) Submitted with reference to the minutes of the Chief Minister dated 30.11.1956.

57) As directed, the Govt. of India have been informed that in the circumstances explained in their letter dated 26.9.56 this Govt. also feels that further action to obtain the assent of the President to the Mysore Weights and Measures (Amendment) Bill, 1955, may be withheld.

58) In para 39 of the note above, the Special Law Secretary has pointed out that the provisions of this Bill are intravires of the legislative powers of the State Legislatures in that the Bill does not seek to lay down the standards of length and capacity.

59) According to the Special Law Secretary the provisions of new section 3 are on the same lines as section 3 of the Madras Weights and Measures Act, 1948 (Madras Act XXII of 1948). But it will be noticed that the Govt. of Madras have stated in their annual report (1955-56) on Weights and Measures, that the enforcement of their above Act is postponed, in view of the early introduction of the Metric System by Govt. of India.

60) Even if continued efforts are made to introduce a revised Bill, by the time it is enacted and enforced, a considerable time will pass so that there will be only a very short interval between the enforcement of the State Act and the introduction of the Metric System by the Govt. of India from 1.4.58. The Financial Memorandum of the last Bill also shows that a large sum will have to be spent for implementing an enactment.

61) It may also be noted that the subject "Establishment of Standards of Weights and

Measures" is in the Union List of the Constitution of India and there is nothing in the State or Concurrent lists of the Constitution of India. The Govt. of In have also informed that the Standards of Weights and Measures Bill, 1956 has alread been passed by the Parliament

establishment of standards of Weights and Measures

6) In the above circumstances it is for orders whether to pursue the matter furthe to bring a new revised bill or to close th file.

cks 5/11

I remember it was recently reported in papers that the introduction of Metric Weights and measures will be gradual and cover a period of two to three years. In the circumstances, perhaps we may let our amending bill passed lapse. Nath may kindly advise

The Mysore (35) Weights and Measures (Amendment) Bill, 1955

Mysore Government Secretariat | File No. 27 of 195 . [App. F. III 2

Reference to Paras 49 to 63 of notes

~~The Bill has lapsed~~ The President's assent has been withheld to this Bill and the G.O.I have also been informed that this Government is agreable to the same. The Administrative Secretariat has now sought advice in the matter of having this amending Bill afresh for orders.

The later communications may be included in the main file and after informing the Secy, Mysore Legislature, we may consider this question.

JSR
1.1.57

Mysore Government Secretariat

349 / AL 8659 — 1329 — File No. 1386 — (37) of 195 — [App. F. III 2

Serial No.

From:

The Secretary to the Governor of Mysore

Letter no. PH-10/55-56 dated the 5th November 1956 forwarding the Mysore Weights and Measures (Amendment) Bill, 1956 and intimating that the President has withheld his assent.

67 Since the main file bearing diary no. 1329 has been sent to the Revenue Secretary on 29/10/56, this may also be referred to the Revenue Secretary.

13/11 The receipt (P.U.8) of the letter will be acknowledged and then the file will be transferred to the Home Secretary through the Rev. Secretary as the earlier file containing the previous references have been sent to the Rev. Secretary on 29.10.56.

JR 13/11/56

68 Action has been taken under 4746/AL

We have to ask for the return of the file and intimate record it in the Legis. Law Dept.

May 16/11/56

DEPTH OF LAW BRANCH
1958
Sri M A K
16/11/56

Received letter no. 16916/L.A dated 3rd Jan. from the Secretary, Mysore Legislature re: Mysore weights and measures (Amendment) Bill, 1955

A requisition for the return of the main file was sent to the Rev. Secy on 29/11/56

It is now ascertained in the Co-operation

The Mysore Weights and Measures (Amendment) Bill, 19

File No. 369/1329 Bill of 195

Mysore Government Secretariat

Serial No.

Branch that the main file will be returned by Monday.

For orders whether the return of the main file be awaited. 73)

mas 4/1/57 Please remind the Co-operative Branch again. 74)

JSR 4/1/57

Mo 6/1/57

Sri M.A.K. 1957 JR 7/1/57

A reminder letter is put up for approval. 75)

mas 7/1/57 Since the main file has been returned, reminder ~~letter~~ is not issued. 76)

mas 8/1/57 If approved, the Secretary, Mysore Legislature will be intimated the circumstances leading up to the withholding of President's assent to this Bill. 77)

JSR 8/1/57

Mas 8/1/57

A draft letter to the Secretary, Mysore Legislature is put up for approval. 78)

mas 9/1 JSR 9/1/57

Law Secy) Mas 9/1/57

Ms 10/1

The Mysore Weights and Measures (Amendment) Bill, 1957

Mysore Government
retariat

[App. F. III-2

(39) File No. 864 of 195 (56-57)

AL

WD 03547—GPB—40,000—14-8-53

Serial No.

Issued letter no. 282/AL dated the 11th Ja 1957 to the Secretary Mysore Legislature forwarding a copy of the authenti copy of the Bill.

No reply has been sent to the Secretar Mysore Legislature.

File resubmitted for orders ~~consideration as indicated in~~ (vide para 6 supra.

mas 17/1

JSR 17/1/57

80) Please put up ~~th~~ with the file relating to metric weights and measure

mas 19/1/57

Sub

EBAR NSP

JSR 19/1/57

19 JAN 1957

N

81 File put up as ordered above.

mas 19/1

JSR 21/1/57

82. Kind reference is invited to letter ~~No.~~ D.O. No. 128/SMC/56, dated the 24th Decr. 1956 from the Govt. of India, Ministry of Commerce and Consumer Industries (Standing Metric Committee) addressed to Shri P.V.R. Rao, Chief secy to Govt. of Mysore, Bangalore, a copy of which has been sent by the C.M.O. with his letter No. M.D. 10726-736/N.56-57, dated 10-1-1957. It has been stated in para 2 of this letter of the Govt. of India, that the agenda of the conference proposed ~~will~~ may include a programme for the adoption of the metric system, a model bill for the enforcement

The Mysore Weights and Measures (Amendment) Bill, 1955.

File No. 864/AL/56-57 of 195

Mysore Government Secretariat

Serial No.

weights and measures, organisation of enforcement agencies in the States, etc. As the subject is being considered on an all India basis by the Govt. of India, and it is desirable to adopt a uniform law, the receipt of the model Bill to be prepared by the Govt. of India may be awaited.

Mas 2/2/57

Law Secy)

83) MUS 4/2

84) Mas 5/2/5

~~Ag. S.~~ ~~Ag. & Dept.~~ ~~Co-operation~~ ~~Ag. & Dept~~ ~~Home~~

86) 6th a (Pl. speak) 6th 7/2

~~Ag & F. D.~~

~~Coop. Dept.~~

88) Ref. paras 63 and 82 above L.D. have opined that as the subject of enforcement of standards of weights and measures is being considered on an all India basis by the Govt. of Ind and as it is desirable to adopt a uniform law, the receipt of the model Bill to be prepared by the Govt. of India may be

1098 4 FEB 1957 LAW DEPARTMENT

Serial No.

89) These pps may now be submitted to the C.M. for perusal with ref. to his minute dt 30.11.1956 (vide para 49 at p. 3

8.2.1957

90) The C.M.O. may first see the papers for remarks, if any

9/2/57.
A.S.

Agri & Forest Dept
Corp. Br.

A&F 2WMA5D
11 FEB 1957
199
A. & F. DEPTT., CO-OPERATION

Memo. No. 100/A&F/CS
dt/- 11/2/57

91 Forwarded with compliments to Chief Marketing Officer for remarks if any.

By order and in name of Governor of Mysore.

(G.K. Subramaniam)
Assistant Secretary,
Agriculture & Forest Department

Incl: Corresp.
File P.(1-91)
File No 955
848 AL/56-57
" " 921 AL/56-57
Draft Bill.

92 U.O. No. M.D. 54 W/56-57 D/- 12-3-57

Returned to the Assistant Secretary to the Go
Agriculture and Forest Departments with the foll
remarks:-

93 I agree with the view of the law - epa

A.A.I.D / Corp. Sec.

173

Put up this file with the Council case
12/3

94 Ref. paras 88 - 90. The C.D.O. has agreed (Para 93/n) with the Law Dept. In the circumstances, the matter of bringing a revised bill may be dropped and this file may be closed.

95. These pps may however be submitted to C.M. for perusal with ref. to his minute dt. 30.11.1956 side para 49 at p. 31 ante.

30/5/1957 See A.N.A. (96) 31/5

Pmr 30/5/57 (97) Para 95

Asst. Secy

2.5.10/HFA

(98) As the new metric system may be introduced with effect from next year the L.D.O.

OFFICE OF THE CHIEF ... No. 619 Date 6/6/57

Regd Receipt by Hulldam

To

The Secretary to His Highness
the Rajpramukh of Mysore,
Mysore.

Sir,

I am directed to state that the Mysore Weights and Measures (Amendment) Bill, 1955 which was passed by the Legislative Council on 19th October 1954 and by the Legislative Assembly on 5th April 1955 has been reserved by His Highness the Rajpramukh for the consideration of the President and to request you kindly to take necessary action for obtaining the assent of the President.

A draft letter to be sent in this behalf to the Ministry of Home Affairs, Government of India is enclosed for issue from your office.

The reply from the Government of India when received may kindly be transmitted to this office after perusal by His Highness the Rajpramukh.

The receipt of this letter may kindly be acknowledged. A copy of the letter ~~addressed~~ signed to the ~~Govt.~~ Ministry of Home Affairs may also be sent to this office.

Yours faithfully,

L.R. and Secretary to Govt.,
Law Department.

Legislation 24-5-55

Dated 13/6/55

L.D. 253/Leg 55. drafts & certified copies & enclosure paper.

Mas 31/5/55

Jsg 31/5

JSR 31/5/55

(Draft for Approval)

To

The Secretary to the Govt. of India
Ministry of Home Affairs,
NEW DELHI-2.

Sir,

Subject:- Reservation of the Mysore Weights and Measures (Amendment) Bill, 1955, for the consideration of the President.

=====

I am directed to state that the Mysore Weights and Measures (Amendment) Bill, 1955, which was passed by the Legislative Council on 19th October 1954 and by the Legislative Assembly on the 5th April 1955, has been reserved by the Rajpramukh for the consideration of the President under clause (2) of Article 254 of the Constitutio on the ground that the new ~~section~~ section 7 of the Act inserted by clause 6 of the Bill, lays down that notwithstanding anything contained in any law for the time being in force, all dealings or contracts, had or made for any work to be done or goods to be sold or delivered by weight or measure shall be deemed to be had or made according to one of the recognised weights or measures or to multiples or sub-multiples thereof and that any dealing or contract had or made in contravention of the aforesaid provisions shall be void and that this provision is repugnant to the Indian Contract Act, 1872, which is an existing Central law, the subject matter of which falls under the Concurrent List; similarly new sections 24 and 36 impose the burden of proof on the accused person and this is repugnan to the provisions of the Indian Evidence Act, 1872, which is also an existing Central law, the subject matter of which falls under the Concurrent list.

) copies of the Bill printed on

Secretary to the Govt. of India,
istry of Home Affairs,
DELHI-2.

Subject:- Reservation of the Mysore Weights and Measures (Amendment) Bill, 1955, for the consideration of the President.

I am directed to state that the Mysore Weights and Measures (Amendment) Bill, 1955, wh was passed by the Legislative Council on 19th October 1954 and by the Legislative Assembly on the 5th April 1955, has been reserved by the Rajpramukh for the consideration of the Preside under clause (2) of Article 254 of the Constitu on the ground that the new section of the Act inserted by clause 6 of the Bill lays down th notwithstanding anything contained in any law the time being in force, all dealings or cont had or made for any work to be done or goods sold or delivered by weight or measure shall deemed to be had or made according to one of recognised weights or measures or to multiple sub-multiples thereof and that any dealing or contract had or made in contravention of the aforesaid provisions shall be void and that t provision is repugnant to the Indian Contract 1872, which is an existing Central law, the s matter of which falls under the Concurrent Li similarly new sections 24 and 36 impose the b of proof on the accused person and this is re to the provisions of the Indian Evidence Act, which is also an existing Central law the sub ... ion falls under the Concurrent Li

on parchment paper are forwarded for obtaining the orders of the President.

Five copies of each of the following documents are herein enclosed, namely:-

1) The Bill with the Statement of Objects and Reasons as introduced in the Legislative Council, with an Annexure containing the Mysore Weights and Measures Act, 1902 (Mysore Act III of 1902).

2) The Bill as passed by the Legislative Council and laid on the table of the Legislative Assembly.

3) The Bill as finally passed by the Legislative Council and the Legislative Assembly.

Debates of the Legislative Council and the Legislative Assembly containing discussion on the Bill will be sent as soon as they are received from the Secretary, Mysore Legislature.

I am directed to request that the receipt of this letter with enclosures may kindly be acknowledged.

Yours faithfully,

Secretary to His Highness
the Rajpramukh of Mysore.

Mas
31/5/55.

Ker/31/5/55

216/LD

Sri MSK Legislation

SECRETARY TO GOVERNMENT
LAW DEPARTMENT

MYSORE LEGISLATURE.

30 APR 1955

LEGISLATURE SECRETARIAT,
OLD PUBLIC OFFICES,
Bangalore - 1, dated 29th April 1955.

No. 494/L.A.

Encl: Three.

FROM

THE SECRETARY,
MYSORE LEGISLATURE.

To

THE LEGAL REMEMBRANCER
AND SECRETARY TO GOVERNMENT,
LAW DEPARTMENT, BANGALORE

SIR,

I forward herewith for submission to His Highness the Maharaja Three copies of the Mysore Weights and Measures (Amendment) Bill, 1955, as passed by both Houses of the Legislature and signed by the Speaker, Legislative Assembly and the Chairman, Legislative Council.

Yours faithfully,

(G.S. Venkataramana Iyer)
Secretary.
Mysore Legislature.

Draft/ Final Note.

Subject: Reservation of the Mysore Weights and Measures (Amendment) Bill, 1955, for the consideration of the President.

The Mysore Weights and Measures (Amendment) Bill, 1955, was passed by the Legislative Council on the 19th October 1954 and by the Legislative Assembly on the 5th April 1955.

Copies of the Bill in triplicate as passed by both Houses of the Legislature and signed by the Speaker, Legislative Assembly and the Chairman, Legislative Council, are placed below for gracious perusal.

Under Rule 49 of the Mysore Government Business Rules, the Secretary to Government, Revenue Department, who is the administrative Secretary in respect of this Bill and the Law Secretary to Government have expressed the view that the Bill may be reserve for the consideration of the President. // Clause 6 of the Bill substitutes new sections 36 to 38 for -- sections 36 of the principal Act. The new section 7 lays down that notwithstanding anything contained in any law for the time being in force, all dealings or contracts, had or made for any work to be done or ~~for~~ goods to be sold or delivered by weight or measure shall be deemed to be had or made according to one of the recognised weights or measures or to multiple or sub-multiples thereof and that any dealing or contract had or made in contravention of the aforesaid provisions shall be void. This provision is repugnant to Indian Contract Act, 1872, which is a Central Act on a matter included in the concurrent list. New sections 24 and 36 impose the burden of proof on the accused person which is repugnant to

the provisions of the Indian Evidence Act, 1872 which is also a Central Act, the subject matter of which falls in the Concurrent List. Consequently under clause (2) of Article 254 of the Constitution of India the Bill has to be reserved for the consideration of the President.

I solicit that His Highness the Rajpramukh may graciously be pleased to reserve the Bill for the consideration of the President by affixing his signature at the appropriate place in all the three copies of the Bill with the date.

No.P.H.10/5-55

K.P. Ramanathaiya, I.A.S.,
Secretary
to H.H. the Rajpramukh of Mysore.

June 14, 1955.

Sm MS.
15 JUN 1955
From 15/6/55

The Secretary to H.H. the Rajpramukh of Mysore.

To

The Secretary to the Government of India,
Ministry of Home Affairs.
New Delhi.

Sir,

1955
Mas 15/6/55
LAW DEPARTMENT

Subject: Reservation of the Mysore Weights and Measures (Amendment) Bill, 1955, for the consideration of the President.

I am directed to state that the Mysore Weights and Measures (Amendment) Bill, 1955, which was passed by the Legislative Council on 19th October 1954 and by the Legislative Assembly on the 5th April 1955, has been reserved by the Rajpramukh for the consideration of the President under clause (2) of Article 254 of the Constitution on the ground that the new section 7 of the Act inserted by clause 6 of the Bill, lays down that notwithstanding anything contained in any law for the time being in force, all dealings or contracts, had or made for any work to be done or goods to be sold or delivered by weight or measure shall be deemed to be had or made according to one of the recognised weights or measures or to multiples or sub-multiples thereof and that any dealing or contract had or made in contravention of the aforesaid provisions shall be void and that this provision is repugnant to the Indian Contract Act, 1872, which is an existing Central law, the subject matter of which falls under the Concurrent List; similarly new sections 24 and 36 impose the burden of proof on the accused person and this is repugnant to the provisions of the Indian Evidence ACT, 1872, which is also an existing Central law, the subject matter of which falls under the Concurrent list.

Two copies of the Bill printed on parchment paper are forwarded for obtaining the orders of the President.

Five copies of each of the following documents are

herein enclosed namely:-

1) The Bill with the Statement of Objects and Reasons as introduced in the Legislative Council, with an Annexure containing the Mysore Weights and Measures Act, 1902 (Mysore Act III of 1902).

2) The Bill as passed by the Legislative Council and laid on the table of the Legislative Assembly.

3) The Bill as finally passed by the Legislative Council and the Legislative Assembly.

Debates of the Legislative Council and the Legislative Assembly containing discussion on the Bill will be sent as soon as they are received from the Secretary, Mysore Legislature.

I am directed to request that the receipt of this letter with enclosures may kindly be acknowledged.

Yours faithfully,

(SD)

(K.P. Ramanathaiya)
Secretary
to H.H. the Rajpramukh of Mysore.

o.P.H.10/55-56, dated June 14, 1955.

Copy of the above is forwarded to the Legal emembrancer and Secretary to Government, Law Department, angalore, for information.

K.P. Ramanathaiya
Secretary
to H.H. the Rajpramukh of Mysore.

GOVERNMENT OF MYSORE.

No. L. D. 281

~~General and Revenue~~ Secretariat,

Dated Bangalore 1, 20-6-55

FROM

The Legal Remembrancer and
Secretary to the Government of Mysore,
Law Department.

To

The Secretary,
Mysore Legislature,
Bangalore.

SIR,

Subject:- Reservation of the Mysore Weights and Measures (Amendment) Bill, 1955 for the consideration of the President.

I am directed to state that the Mysore Weights and Measures (Amendment) Bill, 1955 ---------- which was passed by both the houses of the State Legislature has been reserved for the consideration of the President and am to request you to send to this office six copies of the debates of the Legislative Council and the Legislative Assembly containing discussions on the Bill immediately for being sent to the Government of India.

Yours faithfully,

18/6/55

(T.S.Ramaiya)
For Legal Remembrancer and Secreyary to Government, Law Department.

Mysore Government
xxxxxxxxxxxxxxx/

L.D 493/Rel cue.

6th July, 1955.

The Secretary to the Rajpramukh of Mysore,
MYSORE.

I am directed to enclose herewith a letter in riginal (No.16/87/55.Judl.I dated 23rd June 1955) ddressed to you from the Under Secretary to the Government f India, Ministry of Home Affairs.

Yours faithfully,

Mas 6/7/55.
(M.A. Srikrishna)
For Legal Remembrancer and Secretary
to Government, Law Department.

No. 16/87/55-Judl. IV
Government of India
Ministry of Home Affairs.

From

Shri K.B. Mandlekar, M.Sc.,
Under Secretary to the Government of India.

To

The Secretary to the Rajpramukh of Mysore,
Mysore.

New Delhi-2, the 23rd June 1955.

Subject:- The Mysore Weights and Measures (Amendment) Bill, 1955.

Sir,

I am directed to acknowledge the receipt of your letter No. P.H.10/5-56, dated the 14th June, 1955, with its enclosures.

Yours faithfully,

Sd. K.B. Mandlekar,
Under Secretary to the Govt. of India.

(C o p y)

6/7/55

Appendix F.G.—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Mysore Government Secretariat

( )

195

Date of issue 6-7-55

Signed by Sri M. A. S.

I am directed to enclose herewith in original a letter (No 16/87/55 Judl dated 23rd June 1955) addressed to you from the under-Secretary to the Govt of India, Ministry of Home Affairs, ~~which had~~ ~~been wrongly~~ ~~sent~~ ~~received~~ here.

Yours faithfully,

MAS 4/7/55

for C.R.T. Secy to Govt

List of enclosures.....

Copied by.....

Law Dept

JS 1/7/55

Examined by.....

Section

File No.

Serial No.

No. LD 493

To

The Secretary to the Rajpramukh of My Mysore

Sir:

I am directed to forward the letter ~~noting~~ No 16/87/55-judl I dated 23rd June 1955 ~~received~~ from the under Secret to the Govt of India Ministry of Home Affairs which has been wrongly received here.

Yours faithfully

LR and Secy to Govt

MS 1/7/55 Law Dept

Appendix F.G.—1]

SUBJECT Reservation of the Mysore Weights and Measures (Amendment) Bill, 1955, for the consideration of the president.

Diary No. of letter replied to.....

Mysore Government Secretariat

( )

the *195*

Date of issue 22-7-55

Signed by Sd/- C. U. C.

res. Debates of the L.A & the L.C.

Examined by.....

Section

File No.

Serial No.

No. LD 569.

To

The Secretary to the Government of India
Ministry of Home Affairs
New Delhi

I am directed to invite reference to letter no P.H. 10/5-56 dated 14th June 1955 from the Secretary to His Highness the Rajpramukh of Mysore on the above subject and to forward herewith six copies of Debates of the Legislative Council and the Legislative Assembly containing the discussions

on the day.

~~Desired to Sayre~~

~~that~~ The receipt of ~~debate~~ the enclosures may kindly be acknowledged.

yours faithfully

[illegible]

L.R. and Secretary to Govt

Law Department

No. 570 dt 22nd July 1957.

Copy of the above is fo[illegible] the Secretary to H.H. the R[illegible] Maharaja for information

L.R. & Secy

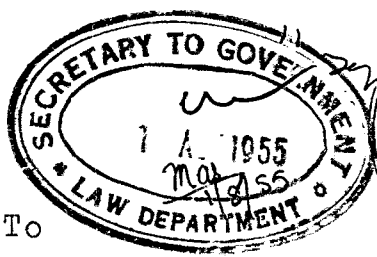
799
LD

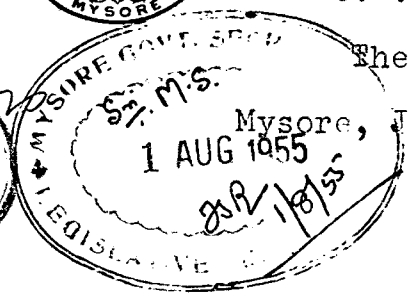
27/27

No.P.H.10/55-56

The Palace,

Mysore, July 30, 1955.





To

The Legal Remembrancer
and Secretary to Government,
Law Department, Bangalore.

Sir,

Subject: The Mysore Weights and Measures (Amendment) Bill, 1955.

I am desired to send herewith, for favour of information and necessary action, copy of letter No.16/87/55-Judl.I, dated the 27th July 1955, on the above subject received from the Ministry of Home Affairs, Government of India.

Yours faithfully,

H.N. Pallegar

(H.N. Pallegar)
Secretary
to H.H. the Rajpramukh of Mysore.

No.16/87/55-Judl.I

Government of India
Ministry of Home Affairs.

From

Shri M. Gopal Menon, I.C.S.,
Deputy Secretary to the Government of India.

To

The Secretary to the Rajpramukh of Mysore,
Mysore.

New Delhi-2, the 27th July, 1955.

Subject: The Mysore Weights and Measures (Amendment) Bill, 1955

Sir,

I am directed to refer to your letter No.P.H.10/55-56, dated the 14th June, 1955, on the above subject, and to observe as follows:-

Although the State Government are competent to enact legislation enforcing Standards established by the Standards of Weights Act, 1939 (Central Act IX of 1939) as extended to Part 'B' States, the State Government are not competent to enact any legislation establishing Standards of length and capacity as the establishment of Standards of Weights and Measures is within the legislative competence of only the Government of India, vide entry 50 of the Union List in the Seventh Schedule of the Constitution. The Government of India have already decided to introduce the Metric System of Weights and Measures in India and to undertake necessary legislation for the purpose as early as possible. It will, therefore, result in great inconvenience to the local population, if the State Government introduce new Weights and measures on the basis of the present Bill and then replace them by Metric Weights and Measures. The Government of India therefore, propose to hold up consideration of the bill till the new legislation relating to the Metric System is passed by Parliament.

Please acknowledge receipt.

Yours faithfully,

(Sd.) M. Gopal Menon

Deputy Secretary to the Govt. of India.

(COPY)

Secretary
to H. H. the Rajpramukh of Mysore.

1129/L

15 SEP 1955

No.P.H.10/55-56

The Palace,

Mysore, September 14, 1955.

15 SEP 1955

The Secretary to the Government of India,
Ministry of Home Affairs,
New Delhi-2.

Dear Sir,

Subject: The Mysore Weights and Measures (Amendment) Bill, 1955.

....

With reference to your letter No.16/87/55-Judl.I., dated the 12th September 1955, I write to state that your previous letter of the 27th July 1955 on the subject noted above has been sent to the Law Secretary to the Government of Mysore, Bangalore, for needful action. The Law Secretary is being reminded in the matter of a reply and I would request that further communications on the subject may kindly be addressed to the Law Secretary to the Government of Mysore, Bangalore.

Yours faithfully,

(SD)

(K.P. Ramanathaiya)
Secretary
to H.H. the Rajpramukh of Mysore.

No.P.H.10/55-56, dated September 14, 1955.

Copy of the above together with a copy of the letter No.16/87/55-Judl.I., dated 12th September 1955 from the Ministry of Home Affairs is forwarded to the Law Secretary to the Government of Mysore, Bangalore, for kindly expediting a reply to the Ministry of Home Affairs, New Delhi.

K P Ramanathaiya

Secretary
to H. H. the Rajpramukh of Mysore.

No.16/87/55-Judl.I

Government of India
Ministry of Home Affairs.

From

Shri M.P. Rodrigues,
Under Secretary to the Government of India.

To

The Secretary to the Rajpramukh of Mysore.

New Delhi, 12th September, 1955.

SUBJECT:- The Mysore Weights and Measures (Amendment) Bill, 1955.

...

Sir,

I am directed to refer to the correspondence resting with your letter No.P.H.10/55-56, dated 30th July 1955 on the subject noted above and to enquire whe State Government's reply in the matter may be expected.

Yours faithfully,

(Sd.) M.P. Rodrigues

Under Secretary to the Government of India

(COPY)

H P Ramanadaiya
Secretary
to H. H. the Rajpramukh of Mysore

35 L.D 1324 dt 7th NOV 1

To

The Deputy Secretary to the
Government of India,
Ministry of Home Affairs,
NEW DELHI.

Sir,

Subject:-The Mysore Weights and Measures (Amendment) Bill, 1955.

- - -

I am directed to refer to your letter No.16/87/55-Judl.I, dated the 27th July and 12th September, 1955, addressed to the Secretary to the Rajpramukh of Mysore, and to state that the Mysore Weights and Measures (Amendment) Bill, 1955, does not provide for the establishment of standards of length and capacity nor for the introduction of new weights and measures in the Mysore State. The Mysore Weights and Measures Act, 1902, which is the law at present in force in the State regulating the use of weights and measures of capacity, has been found to be quite inadequate to ensure that recognised weights and measures are used and to prevent defrauding of the people by the use of false weights and measures. Repeated representations have been made by the public and in the Legislature for revising the law on the lines of similar laws in force in the States of Bombay and Madras. The Mysore Weights and Measures (Amendment) Bill was therefore introduced in the State Legislature and got passed. No inconvenience will be caused to the public by the use of the weights and measures specified in the First Schedu to the Bill as these weights and measures are already in force in the State. When the metric system of weights and measures are established by Parliament, they will replace the weights and measures now in force in all the States including

including Mysore. Since the subject matter of weights and measures except establishment of standards is exclusively within the competence of the State Legislature (vide entry 29 in the State List of the Seventh Schedule to the Constitution), a State law on the lines of the Bill reserved for the assent of the President will have to be enacted by the State Legislature.

The State Government are anxious to comply with the representations of the public and to take action to prevent the defrauding of the people by the use of false weights and measures; and for this purpose effective legal provisions have to be made as soon as possible. I am therefore to request that the President may kindly be moved to declare his assent to the Mysore Weights and Measures (Amendment) Bill, 1955 at a very early date.

Yours faithfully,

L.R. and Secretary to Govt.
Law Department.

1325 dt 7th Nov 1955

Copy forwarded to the Secretary to His Highness the Rajpramukh of Mysore, Mysore, with reference to his letter No.P.H.10/55-56 dated the 14th September 1955.

Appendix F. G.—1]

39 - 3 - 13

SUBJECT The Mysore weights and measures (Amendment) Bill, 1955.

Section

File No.

Serial No.

Diary No. of letter replied to .....

No. L.D 2020

To

The Dy Secy to the Govt of In
Ministry of Home Affairs,
New Delhi.

General and Revenue Secretariat

( )

the 19

Date of issue 24-2-56

Signed by Sri C.V.C. (Linked file)

Sir,

I am directed to invite a reference to this office letter No. L.D. 1324 dated 7th November 1955, on the above subject and to state that as indicated ~~herein~~ ~~already mentio~~ therein, ~~that~~ a state law on the lines of the Bill ~~that has now been~~ reserved for the assent of the president will have to be enacted by the St legislature, even after the metric system of weights and measures are established by parliament.

I am to add that ~~recently~~ the state metric Committee also considered the matter at its meeting on 12th January 1956 and ~~also~~ passed a resolution ~~on the~~ ~~12th January 1956 urging the~~

List of enclosures .....

Copied by .....

Examined by .....

~~we would feel to move~~ I may the Govt of India may be moved to obtain the presidents' ~~approval~~ assent to the above Bill. ~~(Copy of resolution enclosed for reference)~~

~~I am~~ In the circumstances to request that ~~as the introduction of the metric system we would take a considerable time~~ the Govt of India may be pleased to move the president to declare his assent to the Mysore weights and Measures (Amendment) Bill, 1955, at a early date

Yours faithfully

L. R. S Secy to Govt
Law Dept

G
Mas 4/2/56. JSR 4/2/56
6/2/56.

41

ysore Government
xxxxxxxxxxxxxx

24th February 1956.

LD 2020

The Deputy Secretary
to the Government of India,
Ministry of Home Affairs,
N E W D E L H I.

Subject:- The Mysore Weights and Measures (Amendment) Bill, 1955.

I am directed to invite a reference to this office letter o.L.D.1324 dated 7th November 1955, on the above subject and to tate that as indicated therein, a State Law on the lines of the ill reserved for the assent of the President will have to be nacted by the State Legislature, even after the metric system of eights and measures are established by Parliament. I am to add that the State Metric Committee also considered the matter at its meeting on 12th January 1956 and passed a resolution that the Government of India may be moved to obtain the President's assent to the above Bill.

In the circumstances I am to request that the Government of India may be pleased to move the President to declare his assent to the Mysore Weights and Measures (Amendment) Bill, 1955, at a very early date.

Yours faithfully,

O/C

(C.V. CHANNAPPA)
Legal Remembrancer and Secretary
to Government, Law Department.

Appendix F. G.—1]

SUBJECT The Mysore Weights and Measures (Amendment) Bill, 1955.

Diary No. of letter replied to .....

Mysore Government Secretariat.

( )

the *195*

Date of issue 4-6-56

Signed by Sri M. R. S.

Section

File No.

Serial No.

No. L-D 30.

To

The Dy Secy to the Govt of India
Ministry of Home Affairs,
New Delhi.

Sir,

I am directed to invite a reference to this office letter No. L.D. 1324 dated 7th November 1955 (and subsequent letter No. L.D. 2020 dated 24th February 1956) on the above subject and to request ~~you~~ the ~~Kindly to intimate the position~~ ~~more the President~~ ~~at which the matter is resting~~ ~~to declare his assent to the~~ favour of an early reply.

~~Mysore Weights and Measures~~

Amendment Bill, 1955, at a very early date

Yours faithfully

Ex Chairman

L.R. & Secy to Govt

Cy Law Dept.

Mas 2/4/56. 2/4/56. JSA 2/4/56

Mysore Government
xxxxxxxxxxxxxx

3rd April 1956.
Telt

The Deputy Secretary
to the Government of India,
Ministry of Home Affairs,
New Delhi.

Subject:- The Mysore Weights and Measures (Amendment) Bill, 1955.

-oOo-

I am directed to invite a reference to this office letter No.L.D.1324 dated 7th November 1955 (and subsequent letter No.L.D.2020 dated 24th February 1956) on the above subject and to request the favour of an early reply.

Yours faithfully,

O/C MAS 4/4/56.

(M.A.Srikrishna)
For Legal Remembrancer and Secretary
to Government, Law Department.

89/L.D

All Communications should be addressed to the Secretary to the Government of India, Ministry of Home Affairs, by title, NOT by name.

Telegrams : "Homex"

No. 16/87/55-Judl.I

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

From

Shri M.P. Rodrigues,
Under Secretary to the Government of India.

To

The Legal Remembrancer and Secretary to the Government of Mysore, Law Department,
B A N G A L O R E.

NEW DELHI-2, the 11 APR 1956

Subject:- The Mysore Weights and Measures (Amendment) Bill, 1956.

....

Sir,

I am directed to refer to your letter No. L.D.30, dated the 4th April 1956, on the subject noted above and to state that the matter is still under considera of the Government of India and is being expedited.

Yours faithfully,

(M.P. Rodrigues)
Under Secretary to the Govt. of India.

Appendix F. G.—1]

4949

SUBJECT The Mysore Weights and Measures (Amendment Bill, 1955.

Diary No. of letter replied to .....

Mysore Government Secretariat.

( )

the 195

Date of issue 8-6-56

Signed by Sri M.S.

Section

File No.

Serial No.

No. H.D 222

To

The Deputy Secretary to the Government of India.
Ministry of Home Affairs
New Delhi

Sir:

I am directed to invite a reference to correspondence ending with letter No 16/87/55-Jud I dated the 11th April 1956 received from the under Secretary to the Govt of India, Ministry of Home Affairs on the above subject and to request

to request ~~the favour of an early~~ that the Govt. of India may ~~reply~~ kindly move the President to decla

his assent to the Bill urgently. for

yours faithfully

JN

L R J say to Sri

I am Secy

xs
1/6/56.

8/6/56

Mysore Government
xxxxxxxxxxxxxxx

8th June 1956.

L.D 222

The Deputy Secretary
to the Government of India,
Ministry of Home Affairs,
NEW DELHI.

Subject:- The Mysore Weights and Measures (Amendment) Bill, 1955.

-oOo-

I am directed to invite a reference to correspondence ending with letter No.16/87/55-Judl I dated the 11th April 1956 received from the Under Secretary to the Government of India, Ministry of Home Affairs on the above subject and to request that the Government of India may kindly move the President to declare his assent to the Bill urgently.

Yours faithfully,

(M. Sadasivayya)
Legal Remembrancer & Secretary
to Government, Law Department.

7.D)

D.O. (Draft)

Dear ~~Sir~~ Shri Pant,

Subject:- The Mysore Weights and Measures (Amendment) Bill, 1955.

In the State of Mysore the law regulating the use of weights and measures of capacity consists of six sections of the Mysore Weights and Measures Act, 1902. Although this law might have been sufficient in the ~~beginning~~ beginning of the twentieth century, with the increase of trade and business from 1935 onwards, it was found that the provisions of that law was quite inadequate to ensure that recognised weights and measures are used and to prevent defrauding of the people by the use of false weights and measures. Almost all the tates in India have enacted comprehensive laws on ne subject in the interests of the general public. epeated representations were made both within and utside the Legislature to the Government to take teps to enact comprehensive legislation, and after xamination of similar laws in force in the neighbourng States, a Bill was placed before the State Legisature in October 1954. This Bill was passed by the tate Legislative Council on 19th October 1954 and y the State Legislative Assembly 1955. Since ertain provisions of the Bill were repugnant to the ndian Contract Act, 1872, (Central Act IX of 1872) nd the Indian Evidence Act, 1872 (Central Act I of 872), the Bill has been reserved by the Rajpramukh or the consideration of the President under clause 2) of Article 254 of the Constitution of India. In July 1955, the Government of India sent a reply stating that they had already decided to introduce the metric system of weights and measures in India, that hence if the State Government introduce new weights and measures on the basis of the present Bill and then replace them by metric weights and

and measures, it would result in great inconvenience to the local population, and that therefore the Government of India proposed to hold up consideration of the Bill till the new legislation relating to metric system was passed by Parliament. The circumstances necessitating the enactment of this legislation were indicated to the Government of India and they were informed that as the weights and measures referred to in the First Schedule to the Bill were the same as the weights and measures already in force in the State, no inconvenience would be caused to the local population. Since Parliament can only legislate for establishment of standards of weights and measures and the law for regulating the use of weights and measures can be enacted only by the State Legislature, the Bill already passed will have to be a State Law. As the want of appropriate legal provisions to check defrauding of the public by unscrupulous traders is causing considerable difficulties both to the Government and the public it is very necessary to enforce this comprehensive law already passed by the State Legislature.

In the circumstances, I request that the declaration of assent of the President to the Bill may kindly be obtained urgently. ~~and communicated to me.~~

Yours sincerely,

27/6.

Mas
20/6/86.

xxxxxxxxx
Industries.

D.O.No. 144/56-54.

Dear Shri Balan,

Sub:-The Mysore Weights and Measures (Amendment) Bill, 1955.

In the State of Mysore the law regulating the use of weights and measures of capacity consists of six sections of the Mysore Weights and Measures Act, 1902. Although this law might have been sufficient in the beginning of the twentieth century, with the increase of trade and business from 1935 onwards, it was found that the provisions of that law was quite inadequate to ensure that recognised weights and measures are used and to prevent defrauding of the people by the use of false weights and measures. Almost all the States in India have enacted comprehensive laws on the subject in the interests of the general public. Repeate representations were made both within and outside the Legislature to the Government to take steps to enact comprehensiv legislation, and after examination of similar laws in force in the neighbouring States, A Bill was placed before the State Legislature in October 1954. This Bill was passed by the State Legislative Council on 19th October 1954 and by the State Legislative Assembly 1955. Since certain provisions of the Bill were repugnant to the Indian Contract Act, 1872, (Central Act IX of 1872) and the Indian Evidence Act, 1872 (Central Act I of 1872), the Bill has been reserve by the Rajpramukh for the consideration of the President under clause (2) of Article 254 of the Constitution of India. In July 1955, the Government of India sent a reply stating that they had already decided to introduce the metric system of weights and measures in India, that hence if the State Government introduce new weights and measures on the basis of the present Bill and then replace them

(contd)

by metric weights and measures, it would result in great inconvenience to the local population, and that therefore the Government of India proposed to hold up consideration of the Bill till the new legislation relating to metric system was passed by Parliament. The circumstances necessitating the enactment of this legislation were indicated to the Government of India and they were informed that as the weights and measures referred to in the First Schedule to the Bill were the same as the weights and measures already in force in the State, no inconvenience would be caused to the local population. Since Parliament can only legislate for establishment of standards of weights and measures and the law for regulating the use of weights and measures can be enacted only by the State Legislature, the Bill already passed will have to be a State Law. As the want of appropriate legal provisions to check defrauding of the public by unscrupulous traders is causing considerable difficulties both to the Government and the public it is very necessary to enforce this compre hensive law already passed by the State Legislature.

In the circums ances, I request that the declaration of assent of the President t the Bill may kindly be obtained urgently.

Yours sincerely,

Sd/- R.N.

Sri B.N. Kalia.
Union Minister for Home Affairs
Government of India.
New Delhi.

My dear Shri Datar,

You may remember that when I met you at Delhi on the 2nd and 3rd of this month, I mentioned to you that the Mysore Weights and Measures (Amendment) Bill of 1955 is pending assent of the President and that unless the Bill becomes law after receiving the assent of the President before the 1st November 1956, it will lapse. The Bill was passed by the Legislature in April 1955 and forwarded in June 1955 to the Secretary, Ministry of Home Affairs, for obtaining the assent of the President. In his letter dated 27th July 1955, the Deputy Secretary observed as follows:-

"Although the State Government are competent to enact legislation enforcing standards established by the Standards of Weights Act, 1939 (Central Act IX of 1939) as extended to Part 'B' States, the State Government are not competent to enact any legislation establishi Standards of length and capacity as the establishment of Standards of Weights and Measures is within the legislative competent of only the Government of India vide entry 50 of the Union List in the Seventh Schedule of the Constitution. The Government of India have already decided to introduce the Metric system of Weights and Measures in India and to undertake necessary legislation for the purpose as early as possible. It will, therefore, result in great inconvenience to the local population, if the State Government introduce new Weights and measures on the basis of the present Bill and then replace them by Metric Weights and Measures. The Government of India therefore, propose to hold up consideration of the bill till the new legislation relating to the Metric System is passed by Parliament."

This Government sent a reply on the 7th November 1955 explaining that the State Government have no intention of introducing new standards of length and capacity or even new Weights and Measures in Mysore State and that the Bill

under consideration which seeks to amend the Mysore Weights and Measures Act of 1902, merely seeks to check the use of false weights and measures and to ensure that recognised weights and measures are used. My colleague Dr. Nagan Gowda wrote to you demi-officially on the 29th June 1956 explaining the need for immediate promulgation of the provisions of the amending Bill.

the President to enable the provisions thereof being enforced before the 1st of November 1956.

With regards,

Yours sincerely,

(Chief Minister)

Shri B.N. Datar,
Minister for Home Affairs,
Government of India,
NEW DELHI.

CHIEF MINISTER
MYSORE STATE

65

BANGALORE-1.

12th Sept. 1956.

My dear Shri Datar,

You may remember that when I met you at Delhi on the 2nd and 3rd of this month, I mentioned to you that the Mysore Weights and Measures (Amendment) Bill of 1955 is pending assent of the President and that unless the Bill becomes law before the 1st November 1956 after receiving the assent of the President, it will lapse. The Bill was passed by the Legislature in April 1955 and forwarded in June 1955 to the Secretary, Ministry of Home Affairs, for obtaining the assent of the President. In his letter dated 27th July 1955, the Deputy Secretary observed as follows:

> "Although the State Government are competent to enact legislation enforcing Standards established by the Standards of Weights Act, 1939 (Central Act IX of 1939) as extended to Part 'B' States, the State Government are not competent to enact any legislation establishing Standards of length and capacity as the establishment of Standards of Weights and Measures is within the legislative competence of only the Government of India, vide entry 50 of the Union List in the Seventh Schedule of the Constitution. The Government of India have already decided to introduce the Metric System of Weights and Measures in India and to undertake necessary legislation for the purpose as early as possible. It will, therefore, result in great inconvenience to the local population, if the State Government introduce new Weights and measures on the basis of the present Bill and then replace them by Metric Weights and Measures. The Government of India therefore, propose to hold up consideration of the Bill till the new legislation relating to the Metric System is passed by Parliament."

This Government sent a reply on the 7th November 1955 explaining that the State Government have no intention of introducing new standards of length and capacity or even new weights and measures in Mysore State and that the Bill under consideration which seeks to amend the Mysore Weights and Measures Act of 1902, merely seeks to check the use of false

weights and measures and to ensure that recognised weights and measures are used. My colleague Dr. Nagan Gowda wrote to you demi-officially on the 29th June 1956 explaining the need for immediate promulgation of the provisions of the amending Bill.

The reason for holding up the consideration of the Bill has been stated to be the inconvenience that would be caused to the local population if the State Governme now introduces new Weights and Measures on the basis of the present Bill and they have to be replaced later by Metric System of Weights and Measures. As explained by Dr. Nagan Gowda, the legislation does not propose to introduce any new Weights and Measures but merely seeks to declare by law as recognised the Weights and Measure already in force in the State. It was also explained that no inconvenience would be caused to the local population. On the other hand, if the local weights and measures used in the State are standardised by law prior to the introduction of the Metric System, the dislocation caused by the introduction of the Metric System would be minimum. The present case compares with the introduction of Indian coinage in Hyderabad and Travancore which was not allowed to wait pending introduction of the decimal coinage. I would therefore, request that the Bill may be returned immediately duly assented to by the President to enable the provisions thereof being enforced before the 1st of November 1956.

With regards,

Yours sincerely,

Sd/-(Kadidal Manjappa)

Shri B.N. Datar,
Minister for Home Affairs, India,
NEW DELHI.

9.0.1123/A
12.9.56

Copy with the file to the Special Law Secretary to Government, for information.

By Order,

K Bala Subramanyam

(K. Balasubramanyam)
Secretary to the
Chief Minister.

All Communications should be addressed to the Secretary to the Government of India, Ministry of Home Affairs, by title, NOT by name.

Telegrams : "HOMEX"

No. 16/87/55-Judl.I.

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

Sri M.A.K. 29/9/56

29 SEP 1956 T 3

From

Shri S. Narayanswamy,
Deputy Secretary to the Government of India.

To

The Legal Remembrancer and Secretary to
the Government of Mysore,
Law Department, Bangalore.

Spl Law Sec

New Delhi-2, the 26 SEP 1956

SPECIAL LAW SECRETARY
No. 57
28 SEP 1956
GOVERNMENT OF MYSORE

Subject:- The Mysore Weights and Measures (Amendment) Bill, 1955.

Sir,

I am directed to refer to your letter No. ID-2020, dated the 24th February 1956, on the above subject and to state that under entry 50 of the Union List, only Parliament can enact legislation establishing standards of weight and measure. Standards of weight have already been laid down in the Central Standards of Weights Act, 1939, and as the Mysore bill merely seeks to recognise these weights, there is no objection to the provisions in the bill relating to units of weight. So far as length and capacity are concerned, the Centre has not so far laid down any standards, and in view of entry 50, the provisions of the bill in regard to length and capacity are ultra vires of the State legislature. It is therefore not possible to recommend assent to the bill as it stands. The two courses open therefore are:-

(1) to withhold assent from the bill; and

(2) to return the bill with a directive from the President for reconsideration of the provisions relating to length and capaci

2. It is observed that the bill is intended o come into force six months after enactment

All Communications should be addressed to the Secretary to the Government of India, Ministry of Home Affairs, by title, NOT by name.

Telegrams : "HOMEX"

No._____

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

Indian Standards of Weights and Measures Bill, 1956, introducing standards on the metric system, is likely to be enacted before that date. Accordingly, even if the present bill (after revision) is assented to, it will not serve any practical purpose. In the circumstances it is considered that assent to the bill may be withheld. I am to request that the State Government may kindly inform the Government of India whether they agree with this view.

Yours faithfully,

(S. Narayanswamy)
Deputy Secretary to the Govt. of India.

43

GOVERNMENT OF MYSORE.

No.M.D.8134-W/55-56.

Office of the Chief Marketing Officer in Mysore, Bangalore City C -operative Bank Buildings, Bangalor

Dated 19th January 1956.

To

The Secretary to the Government of Mysore,
Revenue Department, Bangalore.

Sir,

Sub:- The Mysore Weights and Measures (Amendment) Bill, 1955.

- - -

In continuation of my letter No.M.D.6600-W/55-56, dated the 14th November, 1955, I am to enclose herein a copy of the Resolution No.3 passed by the State Metric Committee at its meeting held on 12-1-1956 under the Chairmanship of the Minister for Industries in regard to the above subject and to request you kindly to move the vernment to obtain the assent of the president for the Mysore - ights and Measures (Amendment) Bill, 1955 which was passed by the gislature in April, 1955 as the introduction of Metric System would ke considerable time.

Yours faithfully,

Sd/- K.R. Marudeva Gowda,
CHIEF MARKETTING OFFICER.

py of Resolution No.3 passed by the State Metric Committee on 12th nuary 1956.

- - -

"3) The Government of India may be moved to obtain the president's approval to the Weights and Measures (Amendment) Bill which was passed by our Legislative Assembly without waiting for the introduction of Metric system since this would take considerable time."

Sd/- H.M. Channabasappa
Chairman,
State Metric Committee.

" COPY ".

Sd/- K.R. Marudeva Gowda,
Secretary, State Metric Committee
and Chief Marketing Officer.

- - -

" C O P Y ".

9
AL/56
7/11/56

1386
L.A.

No.P.H.10/55-56

The Palace,

Mysore, November 5, 1956.

To

The Special Law Secretary
to the Government of Mysore,
BANGALORE.

SPECIAL LAW SECRETARY
No. 29
6 NOV 1956
GOVERNMENT OF MYSORE

Sri. M. A. K.
7 NOV 1956
LEGISLATIVE DEPARTMENT

Sir,

Sub: The Mysore Weights and Measures (Amendment) Bill, 1955.

I return herewith the above Bill received from the Ministry of Home Affairs, New Delhi, with their letter No.16/87/55-Judl.I., dated 30th October 1956, intimating that the President has withheld his assent from the Bill.

Kindly acknowledge receipt.

Yours faithfully,

(S. Darashah)
Secretary
to the Governor of Mysore.

DIRECTION OF LAW BRANCH
N...
NOV 1956
Sri M.A.K.
12/11/56

GOVERNMENT OF MYSORE

Telegram / phone

OFFICE OF
THE CHIEF MARKETING OFFICER IN MYSORE,
GRAIN MERCHANTS'CO:OP:BANK BDGS,B'LORE

No. M.D. 8308 W/56-57
Encls.

Date 21ST NOVEMBER 1956.

To

The Secretary to the Government of Mysore
Agriculture and Forest Departments, Bangalore.

Sir,

Subject:- The Mysore Weights and Measures (Amendment) Bill 1955

I am to invite your kind reference to the correspondence ending with your letter No. S.R.2926/W & M dated the 1st August 1956 on the above subject and to state that in the regions which have been integrated from from Bombay and Ex-Hyderabad States, t work of verification of weights and measures are being carried o under Established weights and measures Act which covers the enti field of weights, measures, weighing and measuring instruments. In the case of old Mysore however the Mysore weights and measure Act 1902 applies only to measures and not to the weights as ment ed therein, Since the section pertaining to the weights have be repealed after application of Central Act i.e., the Standards Weights Act No. IX of 1939 to part A & B States from 1-4-1951. Under the circumstances explained above no uniformity in the functioning of all the Acts could be maintained.

I therefore request you kindly to move the Government of India to obtain the assent of the President to the weights and measures (Amendment) Bill early with necessary amendment therein so that the new Act could be adopted through out the enlarged Mysore State without any difficulty,

Yours faithfully,

(K.R. MARUDEVA GOWDA) 21.11.
CHIEF MARKETING OFFICER

Appendix F. G.—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to .....

Mysore Government Secretariat.

( )

the *195*

Date of issue.....

Signed by.....

Section

File No.

Serial No.

No. No. HDF 96-97/coop. Date 3/2/

To Sri S. Naraya an ashwa
Deputy Secretary to the
Govt of India
Ministry of Home A
New Delhi

Sir

Sub: The Mysore Weights and Measures (Amendment) Bill 1955.

With reference to yo
letter No. 16/87/55-Judl
dated 26.9.56 on the
above subject, I am
directed to state tha
in the circumstance
explained in your
letter under referen
this Govt also feel that
~~agree with~~

[illegible] action to obtain
~~views expressed~~ in your
~~letter and the~~ assent of the
[illegible] to the Bill may
be [illegible]

[illegible]
[illegible] Secy to Govt
A & F. ~~Revn~~ Dept
[illegible]

Issued
3/12

[illegible] a copy with a
copy of letter dated
26.9.1956 is forwarded
to the chief Marketing officer
in Dept, Bangalore.

for Secy to Govt
A & F.D.
~~Rev~~
[illegible]

Agriculture & Forest Department.

To

Shri S.Narayanaswamy,
Deputy Secretary to the Govt., of Indi.
Ministry of Home Affairs, NEW DELHI.

Subject:- The Mysore Weights and Measures (Amendment) Bill, 1955.

Sir,

With reference to your letter No. 16/87/55-Judl.1 dated 26-9-1956, on the above subject, I am directed to state that in the circumstances explained in your letter under reference this Government also feels that further action to obtain the assent of the President to the Bill may be with-held.

ours faithfully,

Sd/-

.K.Subramanyam)
ecretary to Government,
ulture & Forest Deptts.

Issued
3/12

M:S:/3-12-

Memo No.

Dated: 3rd. Dec. 1956.

Copy of the above with a copy of Government of India's letter dated 26-9-1956 is forwarded to the Chief Marketing Officer in Mysore, Bangalore.

for Secretary to Government
Agriculture & Forest Deptts.

Copy of the letter No.16/87/55-Judl.I. dated 26-9-1956, from Shri S.Narayanswamy, Deputy Secretary to the Governm of India, to The Legal Remembrancer and Secretary to the Government of Mysore, Law Department, Bangalore.

.....

Subject:- The Mysore Weights and Measures (Amendment) Bill, 1955.

.....

I am directed to refer to your letter No.LD-2020, dated the 24th February 1956, on the above subject and to state that under entry 50 of the Union List, only Parliam can enact legislation establishing standards of weight an measure. Standards of weight have already been laid down in the Central Standards of Weights Act, 1939, and as the Mysore bill merely seeks to recognise these weights, ther is no objection to the provisions in the bill relating to units of weight. So far as length and capacity are concerned, the Centre has not so far laid down any standa the Centre has not so far laid down any standards, and in view of entry 50, the provisions of the bill in regard to length and capacity are ultra vires of the State legislat It is therefore not possible to recommend assent to the bill as it stands. The two courses open therefore are:-

1) to withhold assent from the bill; and

2) to return the bill with a directive from the President for reconsideration of the provisions relating to length and capacity.

2. It is observed that the bill is intended to come into force six months after enactment. The Indian Standards of Weights and Measures Bill, 1956, introducing standards on the metric system, is likely to be enacted before that date. Accordingly, even if the present bill (after revision) is assented to, it will not serve any practical purpose. In the circumstances it is considered that assent to the bill may be withheld. I am to request that the State Government may kindly inform the Government of India whether they agree with this view.

Yours faithfully,

Sd/-

(S.Narayanswamy)

Deputy Secretary to the Govt., of I

M:S:/3-12-56.

"True Copy"

A.L. 284 | Enl. one dt 11th June-195

The

Law Department.

The Secretary,
Mysore Legislature,
Bangalore.

Sir,

Subject:- Mysore Weights and Measures (Amendment) Bill, 1955.

With reference to your letter No.16916/L.A. dated the 3rd January 1957 on the above subject, I am directed to state that the Rajpramukh reserved the Bill for the consideration of the President. The Government of India intimated that as the Indian Standards of Weights and Measures Bill, 1956, introduci standards on the metric system was likely to be enacted by Parliament, it was proposed to withhold assent to the Bill. T Bill has since been received with the declaration of the Presi that he withholds ~~and~~ his assent from the Bill. One copy of t authentic copy of the Bill with the declaration of the President is enclosed. The receipt of the copy may kindly be acknowledged.

Yours faithfully

Mas 11/1/57

(M.A.Srikrishna)
For Secretary to Govern
Law Department.

mas 11/1